IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

[Seeking review of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-10867 of 2010.]

IN THE MATTER OF:-

M. SIDDIQ (D) THR. LRS. … REVIEW PETITIONER

-VERSUS-

MAHANT SURESH DAS & ORS. ETC. ETC. … RESPONDENTS

WITH

I. A. No. of 2019 : Application for permission to file lengthy List of Dates.

AND WITH

I. A. No. of 2019 : Application for exemption from filing the typed copy of the impugned judgment and order passed by this Hon'ble Court dated November 9, 2019 and also the judgment and order passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench dated September 30, 2010 and the relevant documents which are already on record before this Hon'ble Court.

AND WITH

I. A. No. of 2019 : Application for Stay.

PAPER BOOK

(Please see index inside)

FILED BY: -

EJAZ MAQBOOL, ADVOCATE FOR THE REVIEW PETITIONER

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IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. SIDDIQ (D) THR. LRS. … REVIEW PETITIONER

-VERSUS-

MAHANT SURESH DAS & ORS. ETC. ETC. … RESPONDENTS

OFFICE REPORT ON LIMITATION

1. The Review Petition is/are within time.

2. The Review Petition is barred by time and there is delay of _____ days in filing the same against the order/judgment dated 09.11.2019 and Review Petition for Condonation of _____ days delay has been filed.

3. There is delay of _____ day in refilling the Review Petition and Review Petition for Condonation of _____ days delay in refilling has been filed.

BRANCH OFFICER

New Delhi
Dated: 02.12.2019

A1

LISTING PROFORMA
IN THE SUPREME COURT OF INDIA

SECTION - (III-A)

The case pertains to (Please tick/check the correct box):

☐ Central Act: **Code of Civil Procedure, 1908**

☐ Sections: **Sections 96, 109, 151, of the CPC**

☐ Central Rule: **NA**

☐ Rule No(s): **NA**

☐ State Act: **NA**

☐ Section : **NA**

☐ State Rule : **NA**

☐ Rule No(s) : **NA**

☐ Impugned Interim order: (Date) **NA**

☐ Impugned Final Order/Decree : (Date) – **09.11.2019**

☐ High Court : - **NA**

☐ Names of Judge: **Hon'ble the Chief Justice of India,**
Hon'ble Mr. Justice Sharad Arvind Bobde,
Hon'ble Dr. Justice D.Y. Chandrachud,
Hon'ble Mr. Justice Ashok Bhushan &
Hon'ble Mr. Justice S. Abdul Nazeer

☐ Tribunal/Authority : **NA**

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1. Nature of matter : – **Civil matter**

2. (a) Petitioner : – **M. Siddiq (D) Thr. Lrs.**

   (b) e-mail ID: – **NA**

   (c) Mobile phone number: – **NA**

3. (a) Respondent No. 1: – **Mahant Suresh Das**

   (b) e-mail ID: – **NA**

   (c) Mobile phone number: – **NA**

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4. (a) Main category classification: **18 – Ordinary Civil Matter**

   (b) Sub classification: **1807 – Others**

5. Not to be listed before: – **NA**

6. (a) Similar disposed of matter with citation, if any, & case details: **Civil Appeal Nos. 10866-10867 of 2010**

   (b) Similar pending matter with case details: – **No Similar matter is pending**

7. **Criminal Matters:**–

   (a) Whether accused/convict has surrendered: ❑ Yes ❑ No

   (b) FIR No. **NA** Date: **NA**

   (c) Police Station: – **NA**

   (d) Sentence Awarded: – **NA**

   (e) Period of sentence undergone including period of Detention/Custody Undergone: **NA**

8. **Land Acquisition Matters:** –

   (a) Date of Section 4 notification: – **NA**

   (b) Date of Section 6 notification: – **NA**

   (c) Date of Section 17 notification: – **NA**

9. **Tax Matters:** State the tax effect: – **NA**

10. **Special Category** (first petitioner/appellant only):

    ❑Senior citizen > 65 years ❑ SC/ST ❑ Woman/child ❑ Disabled

    ❑ Legal Aid case ❑ In custody **NA**

11. Vehicle Number (in case of Motor Accident Claim matters): **NA**

EJAZ MAQBOOL
Advocate for the Review Petitioner
Code No.: 180
E-mail ID:- emaqbool@gmail.com

New Delhi
Dated: 02.12.2019

SYNOPSIS

The Review Petitioner above named is filing the present Review Petition in this Hon'ble Court under Article 137 of the Constitution of India seeking review of the judgment and order dated November 9, 2019 passed by this Hon'ble Court in Civil Appeal Nos. 10866-10867 of 2010. By virtue of the impugned judgment, this Hon'ble Court has effectively granted a mandamus to destroy the Babri Masjid and to construct a temple of Lord Ram in the said place. Further though in the impugned judgment, this Hon'ble Court has acknowledged few of the several illegalities committed by the Hindu Parties, particularly in 1934 (damaging the domes of the Babri Masjid), 1949 (desecrating the Babri Masjid) and 1992 (demolition of the Babri Masjid), however, this Hon'ble Court has proceeded to condone those very illegal acts and has awarded the disputed site to the very party which based its claims on nothing but a series of illegal acts. Consequently, this Hon'ble Court has disregarded the settled legal principle of *ex dolo malo non oritur actio* by lending its aid to a party which based its cause of action upon an illegal act. Further, this Hon'ble Court has, in an attempt to balance the reliefs between the parties, while condoning illegalities of the Hindu parties, has allotted alternate land admeasuring 5 acres to the Muslim parties, which was neither pleaded nor prayed for by the Muslim parties.

The Review Petitioner is conscious of the sensitive nature of the issue and understands the need to put a quietus to the issue in dispute so as to maintain peace and harmony in our country, however, it is submitted that there can be no peace without justice. In this regard, a poignant passage written by *M. Cherif Bassiouni* entitled as *Justice and Peace: The*

Importance of Choosing Accountability over Realpolitik published in 35 Case W. Res. J. Int'l L. 191 (2003) bears reference: -

> *"Peace…. is the restoration of justice, and the use of law to mediate and resolve intersocial and inter-personal discord. The pursuit of justice and accountability fulfills fundamental human needs and expresses key values necessary for the prevention and deterrence of future conflicts. For this reason, sacrificing justice and accountability for the immediacy of realpolitik represents a short-term vision of expediency over more enduring human values."*

For the sake of clarity, it must be noted that the Review Petitioner is not challenging the entire the judgment and is not filing the present Review Petition to challenge the following findings:-

(i) Suit 3 is barred by limitation.

(ii) Plaintiff No. 2 in Suit 5 does not have juristic personality.

(iii) Method of offering worship unique to one religion cannot result in conferral of an absolute title to the parties from one religion over parties from another religion.

(iv) Deity is not a perpetual minor for the purposes of limitation.

(v) Vishnu Hari Inscriptions were not recovered from the disputed site.

(vi) Suit 4 is not barred by limitation.

(vii) Courts cannot correct Historical wrongs.

(viii) Acts subsequent to the annexation of Oudh in 1856 form the continued basis of the legal rights of the parties in the present suits and only these acts need to be evaluated for the purposes of the present dispute.

(ix) There is nothing to explain the intervening period of nearly 4 centuries between the underlying structure of 12th Century (as per the ASI) and the construction of the Babri Masjid.

(x) No evidence that the preexisting structure was demolished to construct the Babri Mosque.

(xi) A finding on title cannot be based on archeological findings.

(xii) When there is a dispute regarding the title and possession between the parties, historical accounts (i.e. the accounts of travelers and gazetteers) cannot be regarded as conclusive. The accounts of travelers and gaetters must be read with caution.

(xiii) The acts of the Hindu parties in 1934 (damaging the domes of the Babri Masjid), 1949 (desecrating the Babri Masjid) and 1992 (demolition of the Babri Masjid) constituted a serious violation of the rule of law.

(xiv) The Places of Worship (Special Provisions) Act, 1993 in instrisically related to the obligations of a secular state. It reflects the commitment of India to the equality of all religions.

Despite the above findings, it is submitted that the impugned judgment suffers from errors apparent on record and warrants a review under Article 137 of the Constitution of India. The following are apparent errors which

warrant the Review of the impugned judgment and order passed by this Hon'ble Court reported in 2019 (15) SCALE 1: -

(i) This Hon'ble Court erred in granting a relief which virtually amounts to a mandamus to destroy the Babri Masjid.

(ii) This Hon'ble Court erred in rewarding the crimes committed in 1934, 1949 and 1992, by giving title to the Hindu parties, when it had already ruled that the said acts were illegal.

(iii) This Hon'ble Court erred in disregarding the basic principle that no person can derive benefit out of an illegality while granting title to the Hindu parties.

(iv) This Hon'ble Court erred in disregarding the settled principle of law that a tainted cause of action cannot be sustained or decreed in a civil suit.

(v) This Hon'ble Court erred in wrongly applying Article 142 of the Constitution as doing complete justice or restituting the illegality could only be done by directing the reconstruction of the Babri Masjid.

(vi) This Hon'ble Court committed an error apparent by elevating a mere look at the central dome by the Hindu parties to a claim of possessory title.

(vii) This Hon'ble Court committed an error apparent by not appreciating that the structure in question had always been a mosque and had been in exclusive possession of the Muslims.

(viii) This Hon'ble Court erred in disregarding the rule of presumption under Section 114 of the Evidence Act, 1860 on the question of namaaz in the Babri Masjid between 1528-1856.

(ix) This Hon'ble Court committed grave error by elevating the mere prescriptive rights of the Hindu parties, which were settled as far back as in 1886, to those of possessory title.

(x) This Hon'ble Court erred in entertaining Suit No. 5 of 1989, which was based on mere 'impatience', which can never be a valid cause of action for any *lis*.

(xi) This Hon'ble Court erred in relying on travelers' accounts and archaeological findings in order to decide issues of title, despite noting that travelers accounts were not conclusive and archaeological findings could not be the basis of deciding a title dispute. Further, despite noting that only the facts after the annexation of Oudh in 1856 were to be considered for adjudicating the present dispute, this Hon'ble Court proceeded to rely upon the facts prior to 1856.

(xii) This Hon'ble Court erred in equating wanton acts of destruction and trespass committed by the Hindu parties to acts of assertion of claim over the disputed site.

(xiii) This Hon'ble Court erred in not appreciating that the Babri mosque was a Waqf property.

(xiv) This Hon'ble Court erred in unevenly appreciating evidence and giving precedence to oral testimonies of the Hindu parties vis a vis the contemporary documentary evidence of the Muslim parties, which

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resulted in incorrect application of doctrine of preponderance of probabilities.

Hence, the present Review Petition.

LIST OF DATES

1528	A Masjid commonly known as Babri Masjid was constructed under the orders of Emperor Babur in 1528. Since its construction the Muslim community started offering prayers at the said Mosque which continued from the time it was built and the last Friday prayers were offered on 22.12.1949. The land adjoining the Babri Masjid on three sides was an ancient Muslim graveyard. **(Please see Paras 53-68, at Pages 67-76, 2019 (15) SCALE 1). The Review Petitioner is giving all references of the impugned judgment from the SCALE citation.**
1857	From 1528 to 1857 there is no whisper and/or demand of any place called Sri Ram's birthplace within the precincts of Babri Masjid. For the first time a *Chabutra* was illegally constructed within the boundary but outside the inner courtyard of the Babri Masjid. **(Please see Para 46 at Page 58)**
28.11.1858	S.O. Sheetal Dubey filed an application dated November 28, 1858, revealing that one Mr. Nihang Singh Faqir Khalsa resident of Punjab, organized

Hawan and Puja of Guru Govind Singh and erected a Symbol of Sri Bhagwan within the premises of the Masjid. It was requested that action, as deemed necessary, maybe taken. **(Please see Para 46(i) at Page 58)**

30.11.1858 Syed Mohammad, Khateeb and Moazzin of the Babri Masjid, lodged a Complaint being Case No. 884 to Station House Officer about installation of a Nishan by a Nihang Fakir and requested for its removal thereof. Moreover, Mohammad Asghar, Mutawalli of the Babri Masjid complained that an earthen Chabutra and a symbol of idol was made by the Fakir and adjacent to that a ditch was dug and fire was lit for puja and 'Ram' was written by him with coal within the Masjid Compound. It was further complained that since the Babri Masjid is the place of offering Namaz by Muslims, if Puja is held at the same place, it would lead to communal clash. **(Please see Para 46(ii) at Page 58)**

30.11.1858 An order was passed, pursuant to which Sheetal Dubey, Thanedar visited the disputed premises and informed Nihang Faqir about the order but he replied that the entire place is of Nirankar and the government of the country should impart justice. **(Please see Para 46(iii) at Page 59)**

06.12.1858	A Report was submitted by Sheetal Dubey Thanedar Oudh recording the presence of *Faqir*. **(Please see Para 46(iv) at Page 59)**
09.04.1860	An application was made by Mohammadi Shah seeking postponement of the grant of a lease in respect of village Ramkot until a decision was taken on whether the land is Nazul land. **(Please see Para 46(v) at Page 59)**
05.11.1860	An application was filed by Mir Rajab Ali in Case No. 223. The application sought the relief that the newly constructed *Chabootra* in the graveyard, adjacent to Babri Masjid be demolished and a bond be executed by the opposite parties that they will not interfere in the masjid properties and will not blow conch at the time of Azan. **(Please see Para 46(vi), (vii) & (ix) at Pages 59-60)**
03.04.1877	Deputy Commissioner, Faizabad granted permission to Hindus to open a new door in the northern outer wall of the disputed building. Memo of Appeal No. 56 was filed by Syed Mohd. Asghar Ali being Appeal No. 56 before the Commissioner Faizabad against the Order dated April 3, 1877 by Deputy Commissioner, Faizabad, whereby he had granted permission to Hindus to open a new

door in the northern outer wall of the disputed building. It was complained that the wall being that of the Mosque, this alteration could not be allowed to be made on behest of the Hindus. It was further stated that when the appellant himself had requested that he be permitted to open the said door on his own expenses and was ready & willing to open the said door, in such circumstances, the defendants-belonging to other religion could not have been accorded permission to construct the door. **(Please see Para 46(viii) & (ix) at Page 59)**

14.05.1877 Thereafter, a report was submitted by the Deputy Commissioner, who in his report stated that if the other door was not opened then human life would be endangered as there was great rush.

13.12.1877 Ultimately, the appeal was dismissed on the ground that opening of the outer door was in the interests of 'public safety'.

22.10.1882 Plaint of Suit No. 1374/943 of 1882 filed by Mohd. Asghar against Raghubar Das entitled as *Mohd. Asghar* v. *Raghubar Das Mahant and Nirmohi Akhara* claiming rent for use of Chabutara and Takht situated near the door of Babri Masjid Oudh and for organizing Kartik Mela at the occasion of Ram Navami for the

period of 1881-1882 AD. (1288 and 1289 Fasli). **(Please see Para 46(x) at Page 60)**

18.06.1883 Subsequently, the Learned Court of the Sub Judge, Faizabad was pleased to dismiss Suit No. 1374/943 of 1882. Though the Suit was dismissed, Mohd. Asghar's capacity as a mutawalli of the Babri Mosque was not challenged.

29.01.1885 A suit being Suit No. RS 61/280 of 1885 was filed by one Mahanth Raghubar Das, Mahanth Janam Asthan against Secretary of State for India in Council, seeking permission to construct temple over the Chabutra admeasuring 17' * 21' Janam Asthan situated in Ayodhya and for restraining the defendant from interfering in the said exercise of the Plaintiff. In the map annexed to the Plaint it was clearly shown that the portion of inner Courtyard and the constructed portion was the Masjid and was in possession of the Muslims.

In the aforesaid suit a sketch map was filed along with the plaint wherein the building at the western side of Chabutra 17ft/21ft was admitted to be Masjid and was shown as such. Therefore, the existence of Babri Masjid was admitted by the said Plaintiff. **(Please see Para 46(xii) at Page 60)**

6.12.1885	The Court of Faizabad in Suit No.61/280 of 1885 appointed Gopal Sahai Amin's Commission and directed him to prepare a map of the site by conducting spot inspection and submit a report. Accordingly, a report dated December 6, 1885 was submitted by that Commission alongwith a map of the disputed site. In this Map also, the Masjid was specifically shown in the western side of the Chabutra (platform).
22.12.1885	Written statement was filed by Mohd. Asghar (Mutawalli of Babri Masjid) in Suit No. 61/280 of 1885, entitled as *Mahant Raghubir Das v. Secretary of State* stating that it was the emperor Babar who got constructed the said Babri Masjid and above the door of the boundary of the Babri Masjid the word ALLAH was inscribed. It was submitted therein that mere passage inside the courtyard of the Babri Masjid by plaintiff could not create rights in his favour. It was further submitted that since the construction of the Masjid till 1856 no Chabootra was in existence at its place and it came to be built in the year 1857, wherein the Muslims opposed the construction of Chabootra and filed a suit, wherein order for digging of Chabootra was issued.

It was also stated that the limitation had expired, as is evident from the Order dated February 23, 1957**.**

(Please see Para 46(xii) at Page 60)

24.12.1885 The Sub-Judge rejected the prayer of construction of temple at the Chabutara. The following observations are relevant:-

i. Muslims were praying inside in the Masjid and the Hindus were praying outside at the Chabutara. Between the Masjid and Chabootra is well built wall with railings.

ii. Before this a controversy had arisen both Hindus and Muslims were worshipping in the place and therefore in 1855, a wall in the form of railing was erected to avoid controversy, so that Muslims worship inside it and Hindus worship outside it.

iii. It was erroneously recorded that Chabutara was in the possession of the Plaintiffs and belonged to Hindus. However, this finding was set aside in the appeal.

iv. It is further relevant to note that this Judgment records the written proofs submitted by the Plaintiff and notes only the following:

- Copy of the selection of Gazetteer of Avadh State page 7 printed by the order of the Government, May

- Journal of the Asiatic Society relating to the translation of Ayodhya Mahant.

(Please see Para 46(xii) at Page 60)

18.03.1886 Aggrieved by the aforesaid order and judgement dated 24.12.1885, Mahant Raghubar Dass filed an appeal being Civil Appeal No. 27/1886 before the District Judge, Faizabad which was dismissed by the Learned District Judge, *vide* Judgment and Decree dated March 18, 1886 and it was held inter alia:

> *"The entrance to the enclosure is under a gateway which bears the superscription 'Allah' immediately on the left is the platform or chabutra of masonry occupied by the Hindus. On this is a small superstructure of wood in the form of a tent. This chabutra is said to indicate the birthplace of Ram Chandra. In front of the gateway is the entry to the masonry platform of the Masjid. A wall pierced here and there with railings divides the platform of the Masjid from the enclosure on which stands the chabutra".*

Further, the Decree dated March 18, 1886 in Civil Appeal No. 27/85 also held the following:

> *" …It is ordered that the appeal be dismissed that the remarks of the sub-judge granted on the judgments of this Court declaring right of property to vest in Plaintiff be cancelled and the cost of this appeal amounting to Rs. 12/5 as noted below are to be apid by the Plaintiff excepting 16/….."*

(Please see Para 46(xii) at Page 60)

01.11.1886 Aggrieved by the aforesaid dismissal of Civil Appeal No.27/1886 vide Order dated March 18, 1886, the Plaintiff therein namely Mahant Raghubar Dass filed Second appeal being Second Appeal No. 122/1886 before the Judicial Commissioner, Oudh which was dismissed *vide* Order dated November 1, 1886 passed by the Judicial Commissioner, Oudh, wherein it was held *inter alia*, as under:-

> *"The matter is simply that the Hindus of Ajodhya want to erect a new temple of marble over the supposed holy spot in Ayodhya said to be the birth place of Shri Ram Chander. Now this spot is situated within the precincts of the grounds surrounding a Babri Masjid constructed some*

350 years ago owing to the bigotry and tyranny of the Emperor Babur, who purposely chose this holy spot according to Hindu legend as the site of his Babri Masjid.

The Hindus seem to have got very limited rights of access to certain spots within the precincts adjoining the Babri Masjid and they have for a series of years been persistently tying to increase those rights and to erect buildings on two spots in the enclosure:

(1) Sita Ki Rasoi

(2) Ram Chander Ki Janam Bhoomi.

The Executive authorities have persistently refused these encroachments and absolutely forbid any alteration of the 'status quo'.

I think this is a very wise and proper procedure on their part and I am further of opinion that the Civil Courts have properly dismissed the Plaintiff's claim.…

There is nothing whatever on the record to show that the plaintiff is in any sense, the proprietor of the land, in question".

(Please see Para 46(xii) at Page 60)

1934	In 1934, due to communal riots, the domes of the disputed structure and its substantial part was destroyed. However, it was renovated at the cost of the British Government through a Muslim Thekedar (Contractor). **(Please see Para 47 at Page 41)**
27.03.1934	An Application was moved by Mohd. Zaki and others for compensation of the losses caused in the riot held on March 27,1934. In this application it was mentioned that:- ➢ The Bairagis of Ayodhya and Hindu people attacked the Babri Masjid intentionally and have caused great damage. ➢ The repair of the masjid will require a huge sum of money. ➢ It was therefore prayed that the estimated cost of repairs, i.e. Rs. 15000 be recovered from the Bairagis and other Hindu people of Ayodhya as per Section 15 of the Police Act,1861
6.10.1934	The Dy. Commissioner Faizabad dated 6.10.1934 allowed the aforesaid amount of compensation to be paid for damages to the Babri Mosque subject to any other objections.
22.12.1934	Thereafter on 22.12.1934, Notice was published by District Magistrate, Faizabad with respect to fine

imposed under Section 15A(2) of the Police Act and for its realization from the Hindu resident of Ayodhya.

12.05.1934 Meanwhile, *vide* the Order dated May 12, 1934 the Mohammadans were permitted to start the work of cleaning of Babri Mosque from Monday i.e. May 14, 1934, so that it could be used for religious purposes.

26.02.1944 U.P. Gazette dated February 26, 1944 showed the Babri Mosque in the list of Waqf properties.

19.03.1949 Agreement was entered into by Panchas of Nirmohi Akhara laying down the constitution, functioning etc. of Nirmohi Akhara and was registered in Sub Registrar's Office. **(Please see Para 48 at Page 62)**

12.11.1949 Word got around that some unlawful elements would attack the controversial building that is Babri Masjid, the district officers were informed who increased the number of Guards on the spot who began locking the Masjid after every Namaz. **(Please see Para 49(i) at Page 62)**

29.11.1949 The Superintendent of Police, Faizabad informed the Deputy Commissioner Shri KK Nayar that:

> *"…there is a strong rumour that on puranmashi the Hindus will try to force entry into the Babri Masjid with the object of installing a deity..."*
>
> **(Please see Para 49(ii) at Page 62)**

10.12.1949	Mohd. Ibrahim, Waqf Inspector submitted a report detailing that Numberdar was the Mutawalli and that Javed Hussain's name was proposed as the Mutawalli. It was further stated Muslims were sought to be harassed by Hindus but the prayers continued at the Masjid. **(Please see Para 49(iii) at Page 62)**
16.12.1949	Shri KK Nayar (Deputy Commissioner & D.M. Faizabad) sent letter addressed to the Govind Narayan (Home Secretary, Government of Uttar Pradesh) dated December 16, 1949 wherein he stated that a magnificent temple at the site was constructed by Vikaramaditya in 16th Century and was demolished by Babur and the mosque known as Babri Masjid was constructed and in the said process, building material of the Temple was used, and that a long time before Hindus were again restored to possession of a site therein i.e. at the corner of two walls. It was further mentioned that Muslims who go to the mosque pass in front of the temple an there has frequently been troubles over the occasional failure of the Muslims to take off their shoes. Lastly, he requested the State Government to not give credence to the apprehensions of the Muslims regarding safety of the Babri mosque. **(Please see Para 49(iv) at Page 63)**

22/23.12.1949	As feared by the Superintendent of Police, Faizabad - Sri Kripal Singh (which is evident from his letter dated November 29,1949), on the intervening night of December 22/23, 1949, around 50-60 members of the Hindu Community trespassed into the Babri Masjid and placed idols below the Central Dome of the Babri Masjid. After the said incident, of the night of December 22/23, 1949, Pandit Sri Ram Deo Dubey, Sub-Inspector In-charge, Thana Ayodhya was informed about the incident by Mata Prasad constable and then he had himself visited the site and lodged an FIR that in the intervening night of December 22-23,1949, a crowd of 50-60 persons had broken the locks of the compound of Babri Mosque and by climbing the walls by ladders illegally entered in the Mosque and had placed the idol of Sri Bhagwan and had written various slogans such as Sita Ram Ji etc. on the walls, inside and outside. This FIR has been marked as Exhibit 51 in OOS No. 4 of 1989. **(Please see Para 49(v) at Page 63)**
25.12.1949	KK Nayar recorded that Puja and Bhog were being offered as usual. **(Please see Para 49(vi) at Page 63)**
26.12.1949	On December 26, 1949, after the desecration of the mosque on the intervening night of December 22/23, 1949, Shri K.K. Nayar, D.M. wrote to Bhagawan Sahai

(Chief Secretary Government of U.P.) noting that the news of desecration came as a great surprise as it had never been reported or suspected that there was any move to enter and occupy the masjid by force. It is submitted that in view of the previous communications, this surprise did not appear to be genuine.

Further, in the same letter, Shri K.K. Nayar refused to carry out the orders of the Government to have the idols removed from the mosque and stated that if the government still insisted that the removal should be carried out he would request that he be replaced by another officer.

27.12.1949 Subsequently on December 27, 1949, Shri K.K. Nayar again wrote to Shri Bhagwan Sahai stating that he had been informed by the Commissioner of the outline of a scheme for removing the idol from the mosque surreptitiously to Janambhoomi Temple, outside the mosque. He stated in his letter that he did not agree with the said idea. He further stated that:-

- He would be unable to find any Hindu, let alone a qualified priest who will be prepared on any inducement to undertake the removal of the idol.
- The installation of the idol in the mosque is certainly an illegal act, which has placed not only local

authorities but also the Government in a false position.

- I have a solution to offer:-

  a) Mosque should be attached and both Hindus and Muslims should be excluded form it with the exception of minimum number of Pujaris.

  b) Parties will be then referred to the Civil Court for adjudication of rights and no attempt will be made to hand over possession to the Muslims until the Civil Court, decrees the claim in their favour.

  c) This solution is open to criticism that it perpetuates an illegal position created by force and subterfuge and that it does not immediately restore the *status quo* which existed before the illegal act.

  d) During the pendency of Civil Proceedings, it may be possible to reach a compromise, Muslims could be induced to give up the mosque voluntarily to the Hindus.

29.12.1949 A preliminary order under Section 145, Cr. P.C. was issued by Additional City Magistrate, Faizabad-cum-Ayodhya and simultaneously attachment order was also passed treating the situation to be that of an

emergency. Additionally, the disputed site (i.e. the inner portion of the mosque) was also directed to be given in the receivership of Sri Priya Datt Ram, Chairman, Municipal Board. **(Please see Para 50 at Page 64)**

05.01.1950 In pursuance of the aforesaid orders, on January 5, 1950, Sri Priya Datt Ram took charge and made an inventory of the attached properties. He also submitted the scheme of management (in accordance with preliminary order). **(Please see Para 51 at Page 65)**

16.01.1950 **Suit 1:**

On January 16, 1950, Regular Suit No. 2 of 1950 (renumbered as OOS No. 1 of 1989) titled as *'Gopal Singh Visharad v. Zahoor Ahmad and Ors.*' was filed in the Court of Civil Judge, Faizabad. The relief sought by the Plaintiff was that it be declared that the plaintiff according to his religion and custom is entitled to worship and have *'darshan'* of Sri Bhagwan Ram Chandra and others at the place of Janam Bhumi by going near the idols without any hindrance and Defendants have no right to interfere in the said rights. The plaintiff also sought an injunction against Defendants that, they should not remove the idols of Bhagwan Ram Chandra and others from the place

where the idols were and also that they should not close the way of entry and should not interfere in worship and *'darshan'* in any manner.

Further, on the same day, i.e. on January 16,1950, an *ad-interim ex-parte* injunction order was passed in Regular Suit No. 2 of 1950 (renumbered as OOS No. 1 of 1989) which was later modified by an *ad-interim ex-parte* injunction order dated January 19,1950. In the Order dated January 19,1950, the opposite parties (being Muslim parties) were restrained by means of temporary injunction to refrain from removing idols in question from the site in dispute and from interfering with puja etc. **(Please see Paras 34-35 at Pages 44-45, Analysed from Para 207 at Page 132 onwards (Part L))**

19.01.1950 The ad-interim injunction was modified on January 19, 1950 in Suit No. 1 of 1989 which read as under:

> *"The parties are hereby restrained by means of temporary injunction to refrain from removing the idols in question from the site in dispute and from interfering with Puja etc. as at present carried on."*

13.02.1950 The Defendants in R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) *(i.e. the Muslim parties)* filed objections in order

to get the interim Order dated January 16, 1950 vacated.

25.03.1950 After hearing the parties on the objections filed against ex-parte injunction dated 16.01.1950, the Civil Judge decided to get a map of the locality and building prepared through a Commissioner. Shiv Shankar Lal was appointed as Commissioner to prepare the map. Bashir Ahmad, Vakil was appointed as Commissioner to take photographs.

01.04.1950 Order passed in OOS No. 1 of 1989 (i.e. R.S. No. 2 of 1950) directing the preparation of maps. Muslim parties objected to the nomenclature for example usage of nomenclature such as Sita Rasoi, Bhandaar, Hanuman Dwar etc. in the map prepared by Shiv Shankar Lal Pleader.

25.04.1950 The United Province (Uttar Pradesh State) filed its Written Statement in Regular Suit No. 2 of 1950 (renumbered as OOS No.1 of 1989) admitting that on the night of December 22, 1949, the idols of Lord Ram were surreptitiously and wrongly put inside the Babri Masjid. The State Government clearly stated that property in suit is known as Babri Mosque, and it has, for a long period has been used as a mosque for the purpose of worship by Muslims. It has not been used

as temple of Shri Ram Chandra Ji. **(Please see Para 215 at Page 138)**

01.05.1950	Defendant No.9 (Shri Tam Kripal Singh, Superintendent of Police, Faizabad) filed his Written Statement in R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) and admitted that on the night of December 22, 1949, the idols of Ram were surreptitiously and wrongly put inside Babri Masjid.
25.05.1950	Shiv Shankar Lal Pleader (who was appointed as a commissioner in OOS No. 1 of 1989 to prepare a site plan of the locality and building in suit on scale) submitted his Report. The Report described the two plans prepared by him- Plan No. I representing the building in the suit and Plan No. II which represents the building within the locality. It is relevant to note that in the Report, he mentions that the names of various samadhis and other structures as Noted in Plan No. II were given by sadhus and others present on the spot.
03.08.1950	Report was submitted by Mr. Bashir Ahmad Khan, Pleader Commissioner in OOS No. 1 of 1989 which contained descriptions of the Babri Masjid and the area surrounding it. The report noted that there were number of Islamic inscriptions on the Masjid and a number of pucca graves in the disputed site. The

report also attached 13 photographs of the disputed site.

05.12.1950 Regular Suit No. 25 of 1950 (renumbered as OOS No. 2 of 1989) entitled as *'Paramhans Ramcharan Dass v. Zahoor Ahmed and Ors.'* was filed. The prayers in the said suit were similar to the prayer and reliefs claimed in R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989). Notably, while R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) had been filed without the mandatory notice under Section 80 of the CPC to the State Government and its officers, the second suit was filed after giving the aforesaid notice. **(Please see Para 14 at Page 35)**

03.03.1951 The interim *injunction* dated January 16, 1950, which was modified on January 19, 1950, was confirmed on March 3,1951. It was directed that the order of the interim injunction dated January 16, 1950 as modified on January 19, 1950 will remain in force till the disposal of the suits as on the date of filing the R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) the idols of Shri Ram Chandra and others were already present and worship was performed. The appeal against this order (dated March 3, 1951) was dismissed by the Hon'ble High Court on April 26,1955.

30.07.1953 The Learned City Magistrate, Faizabad *vide* Order dated July 30, 1953 passed in the matter of *State* v. *Janam Bhumi & Babri Mosque* (Section 145 CrPC Proceedings) consigned the file to the record. The relevant portion of the order is extracted below:-

> *"This case under Section 145 has been lingering on unnecessarily and dates are being fixed in the hope that the Civil Suit might be disposed of or the temporary injunction vacated.*
>
> *The disputed property i.e. Babri Masjid/Janmabhumi premises are already in possession of the receiver. Sri Priya Dutt Ram appointed by the Additional City Magistrate under his order dated 29th December, 1949 referred to above and the said receiver has been looking after the property since 5.1.1950, the date of assuming charge. As the finding of the civil court will be binding on the criminal court it is no use starting proceedings in this case under Sec. 145 Cr.P.C. and regarding evidence specially when a temporary injunction stands, as it cannot be said what may be the finding of this court after recording the evidence of parties. From the administrative point of view*

the property is already under attachment and no breach of peace can occur.

I therefore order that the file u/s 145 Cr.P.C. be consigned to records as it is and will be taken out for proceeding further when the temporary injunction is vacated."

26.04.1955 The Hon'ble High Court *vide* Order dated April 26, 1955 passed in F.A.F.O. No. 154 of 1951 dismissed the appeal preferred against the Order dated March 3, 1951 and suit was directed to be decided expeditiously.

17.12.1959 **Suit 3:**

Regular Suit No. 26 of 1959 (renumbered as O.O.S. No. 3 of 1989) titled '*Nirmohi Akhara vs. Babu Priya Dutt Ram & Others'* was filed, alleging that the disputed site was the birthplace of Lord Ram and the building on it was a temple of Janma Bhumi which has always been in the possession of Nirmohi Akhara. It was prayed that a decree be passed for removal of the Defendant No.1 (Receiver) from the management and charge of the said temple of Janma Bhoomi and delivering the same to the Plaintiff through its Mahant. **(Please see Paras 36-37 at Pages 46-47, Analysed from Para 217 at Page 139 onwards (Part M))**

21.12.1959 Application under Order 1, Rule 8 CPC was allowed in R.S. No. 26 of 1959 (later renumbered as OOS No. 3 of 1989) and the plaintiff was permitted to sue Muslim parties in the suit.

18.12.1961 **Suit 4:**

On December 18, 1961, another suit being Regular Suit No.12 of 1961 (renumbered as OOS No. 4 of 1989) was filed by the Sunni Central Board of Waqfs, U.P. and 9 Muslims of Ayodhya (including *inter alia* Plaintiff No. 2, who was later substituted by Plaintiff No. 2/1- Mohd. Siddiq who is the Review Petitioner in the present Review Petition). The relief claimed was as follows:

a) *A declaration to the effect that the property indicated by letters ABCD in the sketch map attached to the plaint is pubic mosque commonly known as 'Babari Masjid' and that the land adjoining the mosque shown in the sketch map by letters EFGH is a public Muslim graveyard as specified in para 2 of the plaint may be decreed.*

b) *That in case in the opinion of the Court delivery of possession is deemed to be the proper remedy, a decree for delivery of possession of the mosque and graveyard in suit by removal of the idols and other articles which the Hindus may*

have placed in the mosque as objects of their worship be passed in Plaintiff's favour, against the defendants.

c) *Costs of the Suit be decreed in favour of the Plaintiffs.*

d) *Any other or further relief which the Hon'ble Court considers proper may be granted"*

Thereafter the following prayers were added in the plaint by moving an amendment application which was allowed by the Hon'ble Court on May 25,1995:-

"bb) That the Statutory receiver be commanded to hand over the property in dispute described in the Schedule 'A' of the Plaint by removing the unauthorized structures erected thereon.

(Please see Paras 38-40 at Pages 48-50, Analysed from Para 599 at Page 364 onwards (Part O))

28.04.1962/
28.05.1962

The Defendant Nos. 5 to 8 being State of Uttar Pradesh, Collector Faizabad, City Magistrate Faizabad and Superintendent of Police, Faizabad respectively in O.O.S. No. 4 of 1989 filed common Written Statement stating that the Government is not interested in property in dispute and as such not contesting the Suit and that they are State Officials

and the action taken by them was under official duty and therefore, they may be exempt from the cost of the suit.

08.08.1962 The Learned Court of Civil Judge, Faizabad vide Order dated August 8, 1962 passed in R.S. No. 12 of 1961 allowed the Plaintiffs therein to sue on behalf of the entire Muslim community and Defendant Nos. 1 to 4 therein were allowed to be sued as representatives of the entire Hindu Community.

06.01.1964 The Learned Civil Court, Faizabad passed an order consolidating all the four suits and made the R.S. No. 12 of 1961 (OOS No. 4 of 1989) as leading case. **(Please see Para 18 at Page 39)**

21.04.1966 The Learned Civil Judge Faizabad passed an order holding that the Defendants in O.O.S. No. 4 of 1989 were not estopped from challenging the character of property in suit as a Waqf under the administration of Plaintiff No. 1 in view of provision of Section 5(3) of the U.P. Muslim Waqf Act No. XIII of 1936. Further, the Learned Civil Judge also held that the proceedings under the U.P. Muslim Waqf Act No. XIII of 1936 are not conclusive and that there was no valid notification under Section 5(1) of the U.P. Muslim Waqf Act No. XIII of 1936.

1978	A Suit No 57 of 1978 entitled *Bhagwan Sri Ram Lala* vs *State* was filed in the Court of Munsif Sadar, Faizabad but the same was dismissed for non-compliance of Court's order with respect to payment of Court fees.
18.12.1985	In order to improve the administration of the purported temple, to purportedly re-construct a temple at the Ram Janambhoomi and to perform all religious ceremonies/rites at the temple, a trust named, Sri Ram Janmabhoomi Nyas, was formed *vide* the Trust deed of 18.12.1985 registered with the Sub-Registrar, S.D. No. 1 at Delhi, Vide No. 16510 in Additional Book No. 4, Volume 1156 at Pg. Nos. 64-69.
21.01.1986 25.01.1986	Two applications filed by one Umesh Chandra Pandey were listed before the Learned Munsif:- • First application was filed in Suit 1 alleging that the state authorities were violating the injunction order by not permitting unobstructed worship. On 21.01.1986, the Learned Munsif referred to the order dated 09.05.1975 in the FAFO No. 17 of 1977 whereby the order dated 18.03.1975 was stayed and directed the parties to inform the latest position about the continuance of the interim Order dated May 9, 1975 and fixed the matter on February 1, 1986.

- Second application was also filed in Suit 1 and a direction was sought to direct Defendant Nos. 6-9 (State Authorities) to not to create any obstruction in Darshan, pooja etc. On 25.01.1986, the Learned Munsif directed the District Government Counsel to file objections and fixed the matter for 28.01.1986.

It is relevant to note that at this stage, this Applicant-Umesh Chandra Pandey, was not a party to the Suits.

28.01.1986 The District Government Counsel informed the High Court that vide Order dated May 9, 1975 the Hon'ble High Court had only stayed the Order dated March 18, 1975 and there is no stay on further proceedings and stated that Defendant No. 6-9 in O.O.S. No. 1 of 1989 were not creating any obstruction.

However, the Learned Munsif deferred the matter as the original records of the leading suit being O.O.S. No. 4 of 1989 had already been summoned by the Hon'ble High Court.

01.02.1986 A revision was filed before the Learned District Judge, Faizabad against the order dated 28.01.1986, who treated the said revision as appeal and passed an order directing to open the locks placed on the gate of Inner Courtyard. Challenging the order dated

	01.02.1986, WP No. 746 of 1986 was filed by Md. Hashim, and WP No. 3106 of 1986 was filed by UP Sunni Central Board of Wakf. **(Please see Para 19 at Page 39)**
03.02.1986	The Hon'ble High Court vide order dated 03.02.1986 in WP No. 746 of 1986 directed that until further orders of the High Court the nature of the property as existing on that day shall not be changed. **(Please see Para 19 at Page 39)**
12.05.1986	WP No. 3106 of 1986 filed by the Sunni Central Waqf Board was tagged alongwith WP No. 746 of 1986. Both the Writ Petitions were dismissed as infructuous after pronouncement of the Judgment dated September 30, 2010.
23.03.1987	FAFO No. 17 of 1977 was decided on 23.03.1987. The Court directed that record of all the four suits pending in the lower court to be placed before the District Judge, Faizabad. The stay orders of these suits were vacated but, the site position continued in view of the order dated 03.02.1986 passed by the Hon'ble High Court in WP No. 746 of 1986.
10/15.12.1987 10.07.1989	State of Uttar Pradesh filed an application being Misc. Case No. 29 of 1989 under Section 24 read with Section 151 of the Code of Civil Procedure, 1908

before the Hon'ble High Court of Allahabad of Judicature at Lucknow on the ground that due to importance of the matter the suits may be withdrawn from the Civil Court, Faizabad and be transferred to High Court and gave an under taking to meet the expenses of the witnesses etc.

Thereafter, the above application was allowed and the cases were directed to be disposed off by the full bench of the Hon'ble High Court and the matter was placed before the Hon'ble Chief Justice of the Hon'ble High Court for constituting the full bench.

1989 The suits were re-numbered as O.O.S. No. 1 of 1989 (previously R.S No. 2 of 1950), O.O.S. No. 2 of 1989 (previously Regular Suit No. 25 of 1950), O.O.S. No. 3 of 1989 (previously R.S. No 26 of 1959), O.O.S. No. 4 of 1989 (previously R.S. No. 12 of 1961) and O.O.S. No. 5 of 1989 (Previously R.S. No. 236 of 1989). However, the O.O.S. No. 2 of 1989 was subsequently withdrawn.

01.07.1989 **Suit 5:**

Regular Suit No. 236 of 1989 (renumbered as OOS No. 5 of 1989) was filed and an application for transfer of the said suit to the Hon'ble High Court was also filed by the plaintiffs therein. The plaintiffs sought the relief

of a decree of declaration to the effect that the entire premises of Sri Ram Janama Bhoomi at Ayodhya as described and delineated in Annexures I, II and III belong to the Plaintiff Deities and for a perpetual injunction against the defendants prohibiting them from interfering with, or raising any objection to or placing any obstruction in the construction of the new Temple building at Sri Ram Janama Bhoomi, Ayodhya, after demolishing and removing the existing buildings and structures etc. **(Please see Paras 40-42 at Pages 50-54, Analysed from Para 308 at Page 190 onwards (Part N))**

10.07.1989 The Plaintiff in O.O.S. No. 5 moved an application under S. 24 of CPC for transfer Suit No.5 to the Hon'ble High Court alongwith the other suits. The Hon'ble High Court vide order dated 10.07.1989 allowed the said application.

21.07.1989 The Hon'ble Chief Justice constituted a Special Bench of three Judges.

23.10.1989 An application being Application No. 5(o) of 1989 was filed by the State of Uttar Pradesh under Order 39 Rule 1 and 2 read with Section 94 of CPC. On October 23,1989, the Hon'ble High Court directed the parties to maintain *status quo* until further orders in all the five

	connected suits and also directed the parties to not change the nature of property in question. In the same order, the Hon'ble High Court also expressed doubt about some of the questions involved in the suit, if they were solvable by a judicial process.
24.10.1989	The Hon'ble High Court stayed the proceedings of O.O.S. No. 5 of 1989 till the final disposal of the four previous suits. The said order was recalled on 05.02.1992 and O.O.S. No. 5 of 1989 proceeded alongwith the other four suits.
21.12.1989	The plaintiffs in Suit No. 3 were allowed to sue the defendants (Muslims) in representative capacity under Order 1 Rule 8.
08.02.1991 and 08.08.1991	The Commissioner submitted his supplementary report dated February 8, 1991 after surveying and locating the disputed property with reference to settlement maps of 1861 and 1937. The Commissioner instead of surveying the land had accepted the fresh map supplied by the Plaintiff (in OOS No. 4 of 1989). Ultimately, on 08.08.1991, the Hon'ble Court described the map as absurd and refused to accept the Commissioner's report.
7/10.10.1991	By virtue of notifications dated 7.10.1991 and 10.10.1991, under the provisions of the Land

Acquisition Act, 1894, the State of UP acquired the premises in dispute alongwith some adjoining area (Total Area-2.77 Acres) for “development of tourism and providing amenities to Pilgrims in Ayodhya”. **(Please see Para 22 at Page 39)**

16.10.1991 The said acquisition was challenged before the High Court by means of several Writ Petitions, the lead petition being Writ Petition No 3540 (MB) of 1991 entitled as *Mohd Hashim v. State of U.P & Ors*. Two more Writ Petitions were filed being W.P. No. 3541 (M/B) of 1991 entitled as *Panch Ramanand Nirmohi Akhara and others v. State of Uttar Pradesh and others* and the Writ Petition No. 3542 (M/B) of 1991 entitled as *Khalid Yusuf v. Union of India and others*. **(Please see Para 22 at Page 39)**

25.10.1991 An interim order was passed by the Hon’ble High Court in *Mohd Hashim v. State of U.P & Ors.* [Writ Petition No 3540 (MB) of 1991] and other connected matters, staying the operation of the notifications dated 7.10.1991 and 10.10.1991.

15.11.1991 Another Writ being Writ Petition No 1000 of 1991 had been filed before this Hon’ble Court under Article 32 of the Constitution of India challenging the acquisition of land by the State of U.P. On November 15, 1991, this

Hon'ble Court passed an order in the said Writ Petition, recording that the Government of Uttar Pradesh had undertaken that it will hold itself completely responsible for the protection of Ram Janmabhumi-Babri Masjid structures till the time a final solution is arrived at. This Hon'ble Court also directed that the Writ Petitions pending before the Hon'ble High Court will decide the legality of acquisition by the State of UP.

July 1992 — Several temples situated in the vicinity of Babri Masjid were demolished including the Janamsthan Temple.

20.11.1992
25.11.1992
28.11.1992
30.11.1992
01.12.1992

In view of the apprehension of the Muslims that a large crowd of Kar Sevaks was assembling in Ayodhya and they had the plan to demolish the Babri Masjid, Applications in the pending contempt petitions were filed against the State of U.P. for violating the orders of this Hon'ble Court and the High Court. In one of the applications being I.A. No. 5 in Contempt Petition 97 of 1992, it was prayed that directions be issued to the Union Government to step in and prevent a violation of the orders of the Court and also place property in *custodia legis* by appointment of receiver who will act under the control and directions of the Union Government. The application was considered on 20.11.1992 [(1994) 6 SCC 751], 25.11.1992 [(1994) 6

SCC 752]. Ultimately on 28.11.1992, an order was passed [reported in *Acchan Rizvi (III)* Vs. *State of U.P. and Others* (1994)6 SCC 756] wherein it was recorded that the State of U.P. filed an Affidavit and Undertaking emphatically ensuring that no constructional activity would be carried on or permitted to be carried out by anyone. In view of the undertaking given, this Hon'ble Court abstained from granting the prayer in I.A. No. 5 but kept the application pending and observed that if the complexion of the problem changed then the application maybe considered. It was also directed that a Judicial Officer be appointed as an Observer of the situation.

The matter was again listed on 30.11.1992 for appointment of Observer [(1994) 6 SCC 760] and on 1.12.1992 an order was passed by this Hon'ble Court directing that the both the State and the Central Government give due publicity about the undertaking given by the state government that no constructional activity would be carried out and no building material would be moved on the acquired land [(1994) 6 SCC 761].

06.12.1992 Babri Masjid was demolished in utter violation of the solemn undertaking given to this Hon'ble Court. Consequently, the President of India issued a

proclamation under Article 356 of the Constitution of India dismissing the U.P. Government. **(Please see Para 23 at Page 39, Finding in Para 788, XVII at Page 457)**

11.12.1992 The Full Bench of Allahabad High Court, quashed the notifications issued by the State of U.P. acquiring the areas under the notifications, inter-alia on the ground that the purpose of the notifications was primarily construction of a temple hence *mala fide*.

The Writ Petitions being 3540 of 1991 (M/B) and the connected matters challenging the notifications dated 07.10.1990 and 10.10.1991 were allowed by a Full Bench of the Hon'ble High Court and the notifications dated 07.10.1990 and 10.10.1991 issued by the State of UP were quashed, accepting the argument that the purpose of notification was mala fide and against secularism. **(Please see Para 22 at Page 39)**

15.12.1992 The President of India issued three proclamations under Article 356 of the Constitution of India dismissing all the three BJP run State Governments in Madhya Pradesh, Rajasthan and Himachal Pradesh, inter-alia, for instigating the Kar Sevaks to participate in demolition of Babri Masjid and/or felicitating Karsevaks who participated in the demolition.

07.01.1993 The Government of India issued the Acquisition of Certain Area at Ayodhya Ordinance, 1993 for acquisition of 67.703 acres of land in the Ram Janambhumi-Babri Masjid complex. It was later replaced by Act No. 33 of 1993, and in view of Section 4(3) of the aforesaid Act, all pending suits and legal proceedings abated. **(Please see Para 24 at Page 39, Analysis in Paras 802-803 at Pages 461-462, Findings in Para 805 (ii) at Page 462)**

1993 The Special Reference No.1 of 1993 was made by the President of India under Article 143 of the Constitution of India, in the following terms:-

> *"Whether a Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janam Bhoomi and Babari Masjid (including the premises of the inner and outer courtyards on such structure) in the area on which the structure stands or not?"*

The Acquisition of Certain Area at Act Ordinance, 1993 was also challenged by *Dr. Ismail Faruqui* in Transferred Case (C) Nos. 41, 43 and 45 of 1993, *Jamiat-Ulama-E-Hind and another v. Union of India and others*, in Writ Petition (C) No. 208 of 1993, *Mohd. Aslam* v. *Union of India and others* and in Transfer Case No. 42 of 1993 *Thakur Vijay Ragho Bhagwan*

Birajman Mandir and another v. Union of India and others and in Special Reference No. 1 of 1993, *Hargyan Singh* v. *State of U.P. and Others*.

(Please see Paras 24, 25 at Pages 39-40)

24.10.1994 On October 24, 1994, this Hon'ble Court decided the reference as well as the challenge to the Acquisition of Certain Areas at Ayodhya Act, 1993 (arising out of the Acquisition of Certain Area at Ayodhya Ordinance, 1993 (No. 8 of 1993)) matter through judgment reported in *Dr. M. Ismail Farooqi Vs. Union of India*, 1994 (6) SCC 360. This Hon'ble Court refused to answer the reference and struck down Section 4(3) of the Acquisition Act, 1993 which had directed abatement of all pending suits, as unconstitutional and invalid and upheld the validity of the remaining Act. The result was that the suits, which had abated in view of the aforesaid provision of the Acquisition Act, 1993, stood revived. It was also directed that the vesting of the disputed area described as inner and outer courtyard (in dispute in these suits) in the Central Government would be as the statutory receiver with the duty for its management and administration requiring maintenance of *status quo*. It was further directed that the duty of the Central Government as the statutory receiver would be to hand over the

disputed area in accordance with Section 6 of the Act in terms of the adjudication made in the suits for implementation of the final decision therein as it was the purpose for which the disputed area had been so acquired. It was also clarified that disputed area (inner and outer courtyards) alone remained the subject matter of the revived suits. The claim of Muslims regarding adjoining graveyard was, therefore, not left to be decided.

The Judgment is reported as *Dr. M. Ismail Farooqi Vs. Union of India*, 1994 (6) SCC 360.

(Please see Para 25 at Page 40)

25.05.1995 The Hon'ble High Court permitted certain amendments to be made in the plaints of OOS No. 3 of 1989 and OOS No. 4 of 1989.

Nirmohi Akhara, *inter alia* added the following averments in its plaint by way of amendment: -

- On December 6,1992, the Temples of Nirmohi Akhara were also demolished.
- The main temple was also demolished on December 6,1992
- The customs of Nirmohi Akhara have been reduced to writing *vide* a Registered Deed dated March 19,1949.

Additionally, the plaintiffs in OOS No. 4 of 1989 made a few amendments and added the following prayer:-

> *"(bb) That the statutory Receiver be commanded to hand over the property in dispute described in the Schedule "A" of the Plaint by removing the unauthorised strictures erected thereon."*

(Please see Para 26 at Page 41)

13.03.2002 In a *Writ Petition No 160 of 2002* filed under Article 32 of the Constitution of India by one Mohd Aslam *inter-alia* praying for preservation of adjacent land till the final decision in the title suit pending in the High Court of Allahabad, this Hon'ble Court while issuing rule, passed the following order**:**

> *"In the meantime, we direct that on 67.703 acres of land located in Revenue Plot Nos 159 and 160 in Village Kot Ramchandra which is vested in the Central Government, no religious activity of any kind by any one either symbolic or actual including bhoomi puja or shila puja shall be permitted or allowed to take place.*
>
> *Furthermore, no part of the aforesaid land shall be handed over by the Government to anyone*

*and the same shall be retained by the Government till the disposal of the writ petition nor shall any of this land be permitted to be occupied or used for any religious purpose or in connection therewith**…"***

This order is reported in ***Mohd Aslam v Union of India (2003) 4 SCC 1***

14.03.2002 This Hon'ble Court clarified the aforesaid order dated March 13, 2002 by another order dated 14.03.2002 in the following terms:

"After hearing the learned Attorney General as there was some ambiguity in para 3 of our order dated 13.03.2002 we correct para 3 of our order as follows;

In the meantime, we direct that on 67.703 acres of acquired land located in various Plots detailed in the Schedule to the Acquisition of Certain Areas at Ayodhya Act, 1993 which is vested in the Central Government, no religious activity of any kind by any one either symbolic or actual including bhoomi puja or shila puja shall be permitted or allowed to take place…"

This order is reported in ***Mohd Aslam v Union of India (2003) 4 SCC 1*** **[Please See (2003) 2 SCC 576]**

VV

01.08.2002 The Hon'ble High Court of Allahabad of Judicature at Lucknow vide Order dated August 1, 2002 in O.O.S. No. 4 of 1989 proposed the following terms in relation to the excavation of the disputed site:

> *"If it is ultimately decided to excavate the disputed land, in that event the excavation will be done by the Archaeological Survey of India under the supervision of five eminent Archaeologists (Excavators), even though retired, including two Muslims and the following procedure may be adopted:*
>
> *(1) The videography of excavation work be done and if any artefacts are found their photographs (coloured as well as black and white and slides) may be taken. Such artefacts/materials, if found, may be kept under the custody of the State of U.P.*
>
> *(2) Complete documentation as sites, artifacts be done properly.*
>
> *(3) The debris of disputed structure as existing after its demolition shall be removed.*
>
> *(4) The excavation or removal of the debris may be done between 9.00 A,M. to 5.00 P.M.*

(5) The Court may appoint observer for the excavation work.

(6) At present at the disputed site the idol of "Shri Ramlala" has been placed and its devotees are worshipping, it may be placed at the Chabutra situate east of the site till the excavation work is complete".

The Hon'ble High Court invited all the parties to submit in writing within two weeks, their suggestions/ views on the aforesaid proposal and also as to why the disputed land should not be allowed to be excavated by the ASI. Further, till decision in this Respect, the Court directed ASI to get the disputed site surveyed by Ground Penetrating Radar or Geo-Radiology (GPR) and obtain a report. **(Please see Para 447 at Page 262 onwards (Part N.9), Findings in Para 788 at Page 454)**

23.10.2002 After considering the objections raised by the Parties, the Hon'ble High Court passed an order that a report has to be made on the structures which exist on the disputed premises after hearing the objections of the parties and held inter alia:

"Having heard the Learned Counsel for the parties we are of the opinion that we should get

the report in regard to the foundation, if any, of any structure at the site in question. One of the issues in the suit is whether there was any Hindu temple or any Hindu religious structures existed and the alleged Babri Masjid was constructed after demolishing such temple/ structure at the site in question."

(Please see Para 26 at Pages 41, 448 at Page 262)

17.02.2003 — Survey Report was submitted by M/s Tozo through ASI before the Hon'ble High Court. **(Please see Para 448 at Page 262)**

18.03.2003 — An Application being CMA No. 19 of 2003 in O.O.S. No. 4 of 1989 was filed by the UP Sunni Central Waqf Board objecting to the excavation by the ASI alongwith letter dated 18.03.2003 addressed to the ASI wherein they had requested Sri. B.R. Mani, Team Leader, ASI Excavation Team to include appropriate number of Muslim labourers.

12.03.2003 — ASI commenced work on excavation.

21.03.2003
23.03.2003 — ASI Submitted a report on 21.3.2003 showing some preliminary findings. Further, Sri B.R. Mani, Superintendent (Archaeology) and Team Leader, ASI submitted a brief report to the Hon'ble High Court through the Director General of ASI in which it was

also requested that 2 months' extension maybe granted for excavation and 15 days more for writing the report. Further, Sri B.R. Mani *vide* his letter dated 23.3.2003 gave a pointwise reply to the application filed by the UP Sunni Central Waqf Board, stating that ASI had no role in engaging of the labour force.

26.03.2003 The Hon'ble High Court passed an order noting that to maintain the faith of both the Communities, it is desirable that adequate representation of both the communities may be maintained in respect of the functioning of the ASI team and engagement of the labourers. **(Please see Para 449 at Page 263)**

31.03.2003 A Writ Petition being Writ Petition No. 160 of 2002 (*Mohd. Aslam v. Union of India*) had been filed as a Public Interest Litigation and the issue raised before this Hon'ble Court was whether the land adjacent to the disputed area should be preserved till the final decision in the Suits pending before the Hon'ble High Court of Allahabad. On March 31,2003, this Hon'ble Court disposed of the Writ Petition No. 160/2002 vide its judgment reported as (2003) 4 SCC 1 by directing that the order of this Hon'ble Court passed on 13.03.02 as modified by the order made on 14.03.02 should be operative until disposal of the suits in the High Court of Allahabad. It was observed that *status quo* has been

maintained from 1992 onwards and no activities as are set out in the course of the application have been required to be done so far. When for a long time, a particular state of affairs has prevailed- as in the present case for over a decade- and when the adjudication of the disputes which are pending before the High Court are reaching final stages, it will not be appropriate to disturb that state of affairs. It is well known that preservation of property in its original condition is absolutely necessary to give appropriate reliefs to the parties on the termination of the proceedings before the courts and, therefore, we do not think that this is one of those cases in which it becomes necessary to disturb that state. **[Please see: (2003) 4 SCC 1]**

14.04.2003 to 26.07.2003 — Several objections were by the parties during the course of excavation by ASI. Thirty-two objections were filed by the Muslim Parties and two were filed on behalf of Nirmohi Akhara.

22.08.2003 — The Archaeological Survey of India submitted its report in compliance of the Order dated March 5, 2003 passed by the Hon'ble High Court of Allahabad of Judicature at Lucknow in O.O.S. No. 4 of 1989 and stated *inter alia*:

"Now, viewing in totality and taking into account he archaeological evidence of a massive structure just below the disputed structure and evidence of continuity in structural in structure phases from the tenth century onwards up to the construction of the disputed structure along with the yield of stone and decorated bricks as well as mutilated sculpture of divine couple and carved architectural members including foliage patterns, amalaka, kapotapali doorjamb with semi-circular pilaster, broken octagonal shaft of black schist pillar, lotus motif, circular shrine having pranala (waterchute) in the north, fifty pillar bases in association of the huge structure, are indicative of remains which are distinctive features found associated with the temples of north India."

(Please see Para 449 at Page 263)

03.02.2005 Several parties filed objections to the report submitted by the Archaeological Survey of India. The Hon'ble High Court of Allahabad of Judicature at Lucknow vide order dated February 3, 2005 passed in O.O.S. No 1 of 1989/ O.O.S. No. 3/1989 and O.O.S. No. 5 of 1989 disposed of the objections to the report of the ASI on the ground that the ASI report shall be subject to the

objections and evidences produced by the parties at the time of final decision of the Suit.

30.09.2010 The Special Bench of the Hon'ble High Court of Allahabad *vide* three separate judgments decided the Suits in the following manner Each of the Hon'ble Judges wrote a separate judgment. As per the Impugned judgment: -

(i) OOS No. 4 of 1989 was dismissed as barred by limitation in view of the majority view of Hon'ble Mr. Justice Sudhir Agarwal and Hon'ble Mr. Justice D.V. Sharma.

(ii) OOS No. 5 of 1989, was partly decreed as per the majority view of Hon'ble Mr. Justice S.U. Khan and Hon'ble Mr. Justice Sudhir Agarwal, whereby all three parties, namely the Muslim side (i.e. Plaintiffs in OOS No. 4 of 1989), the Hindu side (i.e. the Plaintiffs in OOS No. 4 of 1989) and Nirmohi Akhara were joint title holders and entitled to 1/3rd portion each.

It was further clarified that the portion below the central dome be allotted to Hindu Parties while Nirmohi Akhara will be allotted the part which is shown by the words Ram Chabutra and Sita Rasoi in the map. The Muslim side was decreed to be entitled to some area

of the Outer Courtyard and further the land available with the Government of India, acquired under the Ayodhya Act, 1993 was to made available to the successful parties so that all the three parties may utilize the area to which they are entitled to by having separate entry for egress and ingress so as to not to disturb each other's rights. **(Please see Para 8 at Page 33, Para 28 at Page 42)**

30.09.2010 The Hon'ble High Court passed two separate preliminary decrees in O.O.S. No. 4 of 1989 and O.O.S. No. 5 of 1989 vide Order dated September 30, 2010.

10.12.2010 The High Court passed an order correcting various mistakes in its impugned judgements.

The High Court vide another order of the same date after hearing the arguments of the parties and while reserving order on the draft decree prepared by the office of the High Court, inter alia modified its directions in respect of operation of status quo for three months from 30.09.2010 in the following terms;

> *"Learned counsels for the parties stated that the order of status quo passed by this Court vide judgement dated 30.09.2010 is going to expire by the end of this month and the proceedings of*

finalization of preliminary decree is likely to take some time. Therefore, it would be in the interest of justice that the order of extension be passed. Considering the facts and circumstances, we direct that the status quo order passed vide judgment dated 30.09.2010 shall remain in operation until 15.02.2011 unless modified, vacated or is directed otherwise earlier."

15.11.2010	Civil Appeal being Civil Appeal Nos. 10866-10867 was filed before this Hon'ble Court.
09.05.2011	A two-judge bench of this Hon'ble Court admitted the Civil Appeal being C.A. Nos. 10866-67 of 2010 and stayed the operation of the judgment & decree dated 30.09.2010. During the pendency of the appeal, the parties were directed to maintain *status quo,* with respect to the disputed premises.
10.09.2013, 24.02.2014, 31.10.2015, 11.08.2017	This Hon'ble Court issued directions for summoning the digital record of the evidence and pleadings from the Allahabad High Court and for furnishing translated copies to the parties. **(Please see Para 30 at Page 43)**
10.08.2015	This Hon'ble Court allowed the Commissioner, Faizabad Division to replace the old and worn out tarpaulin sheets over the makeshift structure under which the idols were placed with new sheets of the

same size and quality. **(Please see Para 30 at Page 43)**

05.12.2017 This Hon'ble Court rejected the plea that the appeals against the impugned judgement be referred to a larger Bench in view of certain observations of the Constitution Bench in *Dr. M. Ismail Faruqui v. Union of India* (1994)6 SCC 360 **(Please see Para 31 at Page 43)**

14.03.2018 This Hon'ble Court asked the Counsel for the Appellants, Dr. Rajeev Dhavan to address the court on whether the judgment in *Dr. M. Ismail Faruqui v. Union of India* (1994) 6 SCC 360 requires reconsideration by a larger bench. **(Please see Para 31 at Page 43)**

27.9.2018 On September 27, 2018, the judgment was passed declining the reference to larger bench. The Majority Judgment was rendered by Hon'ble Mr. Justice Ashok Bhushan and the then Chief Justice- Hon'ble Mr. Justice Dipak Misra. The majority judgment, however, clarified that the reference to the status of the mosque was made in the context of vulnerability to acquisition by State.

Justice Nazeer disagreed that the questionable observations made in paragraph 82 of the judgment in *Dr. M. Ismail Faruqui and Ors. v. Union of India and*

Ors. (1994) 6 SCC 360 were not relevant for deciding these appeals. Therefore, he took the view case had been made out for reference of these appeals to a Constitution Bench of this Court. **(Please see Para 31 at Page 43)**

08.01.2019	This Hon'ble Court *vide* administrative order made pursuant to the provisions of Order VI Rule 1 of the Supreme Court Rules, 2013, the Chief Justice of India constituted a five judge Bench to hear appeals. **(Please see Para 32 at Page 44)**
10.01.2019	The Registry of this Hon'ble Court was directed to inspect the records and if required, engage official translators. **(Please see Para 32 at Page 44)**
26.02.2019	This Hon'ble Court referred the parties to a Court appointed and monitored mediation to explore the possibility of bringing about a permanent solution to the issues raised in the appeals. **(Please see Para 32 at Page 44)**
08.03.2019	This Hon'ble Court constituted a panel of mediators comprising of (i) Justice Fakkir Mohamed Ibrahim Kalifulla, a former Judge of this Court; (ii) Sri Sri Ravi Shankar; and (iii) Mr. Sriram Panchu, Senior Advocate. The time granted to the panel was extended on 10.05.2019. **(Please see Para 32 at Page 44)**

02.08.2019	Since no settlement was reached, this Hon'ble Court directed the hearing to commence on 06.08.2019. **(Please see Para 32 at Page 44)**
06.08.2019	Hearing in the appeals commenced before this Hon'ble Court. **(Please see Para 32 at Page 44)**
18.09.2019	This Hon'ble Court passed order observing that while the hearings will proceed, if any parties desired to settle the dispute, it was open for them to move the mediators and place a settlement, if it was arrived at, before this Hon'ble Court. **(Please see Para 32 at Page 44)**
16.10.2019	Final arguments were concluded in the hearing. Also, "Final Report of the Committee" was submitted by the mediation panel which did not reflect a final, binding and/or concluded settlement agreement. **(Please see Para 32 at Page 44)**
09.11.2019	This Hon'ble Court passed the Impugned Judgment and order holding that since the Hindu parties had exclusive possession of the outer courtyard and the claims regarding possession of the inner courtyard were conflicting, the entire suit property, which had not been partitioned till date, be handed over to the Board of Trustees of a Trust which was to be set up by the Central Government within 3 months from the date of

this judgment. Further this Hon'ble Court acknowledged that the Muslims were wrongly dispossessed from the mosque upon its desecration on December 22/23, 1949 and ultimately its destruction on December 6, 1992. Accordingly, in order to remedy the said wrong this Hon'ble Court directed that alternate land admeasuring 5 acres be allotted to the Sunni Central Waqf Board either by the Central Government or by the Government of Uttar Pradesh within the city of Ayodhya.

02.12.2019 Hence, the present Review Petition.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:

[REVIEW PETITION ARISING OUT OF CIVIL APPEAL NO. 10866 OF 2010]

M. SIDDIQ (D) THR. LRS

(i) MAULANA SYED ASHHAD RASHIDI, S/o. Maulana Syed Rashiduddin Hamidi, President, Jamiat Ulama-i-Hind, Subhash Marg, Ahata Shaukati Ali, Lucknow, Uttar Pradesh — Review Petitioner

-VERSUS-

1. MAHANT SURESH DAS, Chela of Sri Param Hans Ram Chandra Das, R/o. Digambar Akhara, Ayodhya City, District Faizabad, Uttar Pradesh — Contesting Respondent No. 1

2. NIRMOHI AKHARA, Through Mahant Rameshwar Das, Mahant Sarbarakar, R/o. Nirmohi Akhara, Mohalla Ram Ghat, City Ayodhya, District Faizabad, Uttar Pradesh — Contesting Respondent No. 2

3. THE STATE OF UTTAR PRADESH, Through its Chief Secretary to the State Government, Uttar Pradesh — Contesting Respondent No. 3

4. THE COLLECTOR, Faizabad, Uttar Pradesh — Contesting Respondent No. 4

5. THE CITY MAGISTRATE, Faizabad, Uttar Pradesh — Contesting Respondent No. 5

6. THE SUPERINTENDENT OF POLICE, Faizabad, Uttar Pradesh — Contesting Respondent No. 6

7.	B. PRIYA DUTT (SINCE DECEASED) Through his Legal Heir	
	(i) JYOTI PATI RAM Mohalla Rakabganj, Faizabad, Uttar Pradesh	Contesting Respondent No. 7
8.	PRESIDENT, ALL INDIA HINDU MAHA SABHA, Read Road, New Delhi	Contesting Respondent No. 8
9.	PRESIDENT, ARYA MAHA PRADESHIK SABHA, Baldan Bhawan, Shradhanand Bazar, Delhi.	Contesting Respondent No. 9
10.	PRESIDENT, ALL INDIA SANATAN DHARAM SABHA, Shop No.35, Geeta Bhawan, Ground Floor, A-Block, Kirti Nagar, Delhi	Contesting Respondent No. 10
11.	DHARAM DAS ALLEGED CHELA BABA ABHIRAM DAS, Resident of Hanuman Garhi, Ayodhya, Faizabad, Uttar Pradesh	Contesting Respondent No. 11
12.	SRI PUNDRIK MISRA, S/o. Raj Narain Misra, Resident of Balrampur Sarai, Rakabganj, Faizabad, Uttar Pradesh	Contesting Respondent No. 12
13.	RAMESH CHANDRA TRIPATHI, S/o. Sri Parsh Rama Tripathi, Resident of Village: Akbarpur, Pargana Mijhaura, Tahsil Akbarpur, District: Faizabad, Uttar Pradesh	Contesting Respondent No. 13
14.	MADAN MOHAN GUPTA, Convener of Akhil Bhartiya Sri Ram Janam Bhoomi Punarudhar Samiti, E-7/45, Bangla, T.T. Nagar, Bhopal, Madhya Pradesh	Contesting Respondent No. 14
15.	UMESH CHANDRA PANDEY, S/o. Sri R.S. Pandey, R/o. Ranupalli Ayodhya, District Faizabad, Uttar Pradesh	Contesting Respondent No. 15
16.	UMESH CHANDRA PANDEY, S/o. Sri R.S. Pandey, R/o. Ranupalli Ayodhya, District Faizabad, Uttar Pradesh	Contesting Respondent No. 16
17.	THE SUNNI CENTRAL BOARD OF WAQFS, through its Secretary, Shah Ghayas Alam, Moti Lal Bose Road, P.S. Kaiserbagh, City Lucknow, Uttar Pradesh	Proforma Respondent No. 17

18. MISBAHUDDEEN,
S/o. Late Shri Ziauddin, R/o. Mohalla Angoori Bagh, Awadh City, District Faizabad, Uttar Pradesh — Proforma Respondent No. 18

19. MOHAMMAD HASHIM (DEAD) THR. LRS.

(i) MOHAMMAD IQBAL ANSARI
S/o. Late Mohammad Hashim, Residing at 4/318, Kotia, Ayodhya City, District Faizabad, Uttar Pradesh — Proforma Respondent No. 19

20. MAULANA MAHFOOZURAHMAN,
S/o. Late Maulana Vakiluddin, Resident of Village Madarpur, Pargana and Tahsil Tanda, District Faizabad, Uttar Pradesh — Proforma Respondent No. 20

21. FAROOQ AHMAD,
S/o. Late Sri Zahoor Ahmad, Resident of Mohalla Naugazi Qabar, Ayodhya City, District Faizabad, Uttar Pradesh — Proforma Respondent No. 21

[REVIEW PETITION ARISING OUT OF CIVIL APPEAL NO. 10867 OF 2010]

M. SIDDIQ (D) THR. LRS

(i) MAULANA SYED ASHHAD RASHIDI,
S/o. Maulana Syed Rashiduddin Hamidi, President, Jamiat Ulama-i-Hind, Subhash Marg, Ahata Shaukati Ali, Lucknow, Uttar Pradesh — Review Petitioner

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1. BHAGWAN SRI RAM VIRAJMAN AT SRI RAMA JANAM BHUMI AYODHYA, also called Bhagwan Sri Rama Lala Virajman, Represented by next friend, Sri Trilok Nath Pandey, S/o. Late Askrut Pandey, R/o. Karsewak Puram, District Faizabad, Uttar Pradesh — Contesting Respondent No. 1

2. ASTHAN SRI RAM JANAM BHUMI AYODHYA, Represented by next friend, Sri Triloki Nath Pandey, S/o. Late Askrut Pandey, R/o. Karsewak Puram, District Faizabad, Uttar Pradesh — Contesting Respondent No. 2

3.	TRILOKI NATH PANDEY, S/o. Late Askrut Pandey, R/o. Karsewak Puram, District Faizabad, Uttar Pradesh	Contesting Respondent No. 3
4.	SRI RAJENDRA SINGH, S/o. Late Sri Gopal Singh Visharad, at present residing at Gonda, Care of the State Bank of India, Gonda Branch, Gonda, Uttar Pradesh	Proforma Respondent No. 4
5.	MAHANT SURESH DAS, Chela of Late Mahant Param Ramchandra Das, R/o. Digambar Akhara, Ayodhya City, District Faizabad, Uttar Pradesh	Proforma Respondent No. 5
6.	NIRMOHI AKHARA MOHALLA RAM GHAT, AYODHYA, through its Mahant Jagannath Das, Chela of Vaishnav Das Nirmohi, R/o. Mohalla Ram Ghat, Nirmohi Bazar Pargana Haveli Awadh, Ayodhya City, District Faizabad, Uttar Pradesh	Proforma Respondent No. 6
7.	SUNNI CENTRAL BOARD OF WAQFS, through its Chairman, Moti Lal Bose Road, Lucknow, Uttar Pradesh	Proforma Respondent No. 7
8.	STATE OF UTTAR PRADESH, through the Secretary, Home Department, Civil Secretariat, Lucknow, Uttar Pradesh	Proforma Respondent No. 8
9.	THE COLLECTOR AND DISTRICT MAGISTRATE, Faizabad, Uttar Pradesh	Proforma Respondent No. 9
10.	THE CITY MAGISTRATE, Faizabad, Uttar Pradesh	Proforma Respondent No. 10
11.	THE SENIOR SUPERINTENDENT OF POLICE, Faizabad, Uttar Pradesh	Proforma Respondent No. 11
12.	THE PRESIDENT, ALL INDIA HINDU MAHASABHA, New Delhi	Proforma Respondent No. 12
13.	THE PRESIDENT, ALL INDIA ARYA SAMAJ, Dewan Hall, Delhi	Proforma Respondent No. 13
14.	THE PRESIDENT, ALL INDIA SANATAN DHARMA SABHA, Delhi	Proforma Respondent No. 14

15. DHARAM DAS,
Chela Baba Abhiram Das, Resident of Hanuman Garhi, Ayodhya, Faizabad, Uttar Pradesh — Proforma Respondent No. 15

16. SRI PUNDRIK MISRA,
S/o. Raj Narain Misra, Resident of Balrampur Sarai, Rakabganj, Faizabad, Uttar Pradesh — Proforma Respondent No. 16

17. RAMESH CHANDRA TRIPATHI,
S/o. Sri Parsh Rama Tripathi, Resident of Village: Akbarpur, Pargana Mijhaura, Tahsil Akbarpur, District: Faizabad, Uttar Pradesh — Proforma Respondent No. 17

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S/o. Sri Uma Shanker Pandey, R/o. Ranopali Ayodhya, District Faizabad, Uttar Pradesh — Proforma Respondent No. 18

19. SRI RAMA JANAM BHUMI NYAS,
Through its Trustee, Mr. Champat Rai, having its office at Sankat Mochan Ashram, Sri Hanuman Mandir, Rama Krishan Puram, Sector VI, New Delhi — Proforma Respondent No. 19

20. SHIA CENTRAL BOARD OF WAQFS, U.P. LUCKNOW, through its Chairman, 817, Indra Bhawan, Ashok Marg, Lucknow, Uttar Pradesh — Proforma Respondent No. 20

21. VAKEELUDDIN (DEAD)
through his Legal heir

(i) MAULANA MEHFOOZ REHMAN,
S/o. Late Shri Vakeeluddin, R/o. Madarpur Pargana and Tehsil Tanda, District Faizabad, Uttar Pradesh — Proforma Respondent No. 21

IN
[CIVIL APPEAL NO. 10866 OF 2010]

M. SIDDIQ (D) THR. LRS

(i) MAULANA SYED ASHHAD RASHIDI,
S/o. Maulana Syed Rashiduddin Hamidi, President, Jamiat Ulama-i-Hind, Subhash Marg, Ahata Shaukati Ali, Lucknow, Uttar Pradesh … Petitioner

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Through Mahant Rameshwar Das, Mahant Sarbarakar, R/o. Nirmohi Akhara, Mohalla Ram Ghat, City Ayodhya, District Faizabad, Uttar Pradesh

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Through its Chief Secretary to the State Government, Uttar Pradesh

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Faizabad, Uttar Pradesh

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6. THE SUPERINTENDENT OF POLICE,
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7. B. PRIYA DUTT (SINCE DECEASED)
Through his Legal Heir

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21. FAROOQ AHMAD,
S/o. Late Sri Zahoor Ahmad, Resident of Mohalla Naugazi Qabar, Ayodhya City, District Faizabad, Uttar Pradesh … Respondents

[CIVIL APPEAL NO. 10866 OF 2010]

M. SIDDIQ (D) THR. LRS

(i) MAULANA SYED ASHHAD RASHIDI,
S/o. Maulana Syed Rashiduddin Hamidi, President, Jamiat Ulama-i-Hind, Subhash Marg, Ahata Shaukati Ali, Lucknow, Uttar Pradesh … Petitioner

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1. BHAGWAN SRI RAM VIRAJMAN AT SRI RAMA JANAM BHUMI AYODHYA, also called Bhagwan Sri Rama Lala Virajman, Represented by next friend, Sri Trilok Nath Pandey, S/o. Late Askrut Pandey, R/o. Karsewak Puram, District Faizabad, Uttar Pradesh

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7. SUNNI CENTRAL BOARD OF WAQFS, through its Chairman, Moti Lal Bose Road, Lucknow, Uttar Pradesh

8. STATE OF UTTAR PRADESH,
through the Secretary, Home Department,
Civil Secretariat, Lucknow, Uttar Pradesh

9. THE COLLECTOR AND DISTRICT MAGISTRATE, Faizabad, Uttar Pradesh

10. THE CITY MAGISTRATE,
Faizabad, Uttar Pradesh

11. THE SENIOR SUPERINTENDENT OF POLICE, Faizabad, Uttar Pradesh

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S/o. Raj Narain Misra, Resident of Balrampur Sarai, Rakabganj, Faizabad, Uttar Pradesh

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S/o. Sri Parsh Rama Tripathi, Resident of Village: Akbarpur, Pargana Mijhaura, Tahsil Akbarpur, District: Faizabad, Uttar Pradesh

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S/o. Sri Uma Shanker Pandey, R/o. Ranopali Ayodhya, District Faizabad, Uttar Pradesh

19. SRI RAMA JANAM BHUMI NYAS,
Through its Trustee, Mr. Champat Rai, having its office at Sankat Mochan Ashram, Sri Hanuman Mandir, Rama Krishan Puram, Sector VI, New Delhi

20. SHIA CENTRAL BOARD OF WAQFS, U.P. LUCKNOW, through its Chairman, 817, Indra Bhawan, Ashok Marg, Lucknow, Uttar Pradesh

21. VAKEELUDDIN (DEAD) through his Legal heir

(ii) MAULANA MEHFOOZ REHMAN, S/o. Late Shri Vakeeluddin, R/o. Madarpur Pargana and Tehsil Tanda, District Faizabad, Uttar Pradesh … Respondents

PETITION UNDER ARTICLE 137 OF THE CONSTITUTION OF INDIA READ WITH ORDER XLVII OF THE SUPREME COURT RULES, 2013

To,

The Hon'ble Chief Justice of India
and his companion justices of the
Hon'ble Supreme Court of India

The humble Petition of the
Review Petitioner above named

MOST RESPECTFULLY SHOWETH:

1. That the present Review Petition is being filed by the above named Petitioner in this Hon'ble Court under Article 137 of the Constitution of India seeking review of the Impugned Judgment and Final Order dated November 9, 2019 passed by this Hon'ble Court in Civil Appeal Nos.10866-10867 of 2010. The Review Petitioner is not filing the typed copy of the impugned judgment and order passed by this Hon'ble Court dated November 9, 2019 as it is a long judgment of 1045 pages and the same has already been printed in 2019 (15) SCALE 1. A copy of the said book which carries the entire impugned judgment is annexed hereto and marked as **Annexure P-1 [Please see the book in a separate Volume 2019 (15) SCALE 1]** to this Review Petition.

2. That the Review Petitioner is also not filing the judgment and order of the Hon'ble High Court of Allahabad, Lucknow Bench dated September 30, 2010 as the same is on record published by Malhotra Law House, Allahabad

in 3 Volumes (2nd Edition 2016). Similarly, the Review Petitioner is relying on the List of Pleadings running Volumes 1 to 150. The Review Petitioner is also relying upon the submissions and documents which were tendered on behalf of the Senior Advocates/Advocates by both the set of parties during the course of final hearing which were numbered as A1 to A145. The Review Petitioner is not filing these documents to avoid the duplication of the huge record which is already on record before this Hon'ble Court.

3. The present Review Petition is being filed on behalf of the Appellant in Civil Appeal Nos. 10866-10867 of 2010 who is a legal heir of the Original Plaintiff No.2 in Suit No. 4 of 1989. The present Appellant Maulana Syed Ashhad Rashidi is presently the President of Jamiat Ulama-i-Hind, Uttar Pradesh.

4. The Review Petitioner humbly submits that the Original Suit No.4 of 1989 was filed and was tried under Order I Rule 8 of CPC and even if the Sunni Central Board of Waqfs U.P. which was the Original Plaintiff No.1 in O.S. No. 4 of 1989 is not preferring a Review Petition before this Hon'ble Court but the said Suit was filed in a representative capacity for the entire Muslim Community and the Review Petitioner is entitled to approach this Hon'ble Court because there are patent errors on the face of the record in the impugned judgment passed by this Hon'ble Court dated November 9, 2019 reported in 2019 (15) Scale 1.

5. That this Hon'ble Court by the impugned judgment and order has virtually granted a mandamus to destroy the Babri Masjid and to construct a temple of Lord Ram in the said place. The Hon'ble Court by virtue of the impugned order has though acknowledged few of the several illegalities committed by the Hindu Parties, particularly in 1934 (damaging the domes

of the Babri Masjid), 1949 (desecrating the Babri Masjid) and 1992 (demolition of the Babri Masjid), but this Hon'ble Court has proceeded to condone the said illegal acts and has awarded the disputed site to the very party which based its claims on nothing but a series of illegal acts. Further, this Hon'ble Court has in an attempt to balance the reliefs between the parties, while condoning illegalities of the Hindu parties, has allotted alternate land admeasuring 5 acres to the Muslim parties, which was neither pleaded nor prayed for by the Muslim parties.

6. That the present petition raises the following substantial questions of law which needs to be decided by this Hon'ble Court:

(i) Whether this Hon'ble Court has erred in granting a relief which virtually amounts to a mandamus to destroy the Babri Masjid?

(ii) Whether this Hon'ble Court, while acknowledging the wrongs committed by the Hindu parties in 1934, 1949 and 1992, erred in rewarding the said illegal acts by giving title to the Hindu parties?

(iii) Whether this Hon'ble Court erred in wrongly applying Article 142 of the Constitution of India as doing complete justice or restituting the illegality could only be done by directing the reconstruction of the Babri Masjid?

(iv) Whether this Hon'ble Court erred in disregarding the rule of presumption under Section 114 of the Evidence Act, 1860 on the question of namaaz in the Babri Masjid between 1528-1856?

(v) Whether this Hon'ble Court committed an error apparent by elevating a mere look at the Central Dome by the Hindu parties to a claim of possessory title?

(vi) Whether this Hon'ble Court committed an error apparent by not appreciating the exclusive possession of the Muslims of the inner courtyard?

(vii) Whether this Hon'ble Court committed an error apparent by elevating the mere prescriptive rights of the Hindu parties, which were settled as far back as in 1886, to those of possessory title?

(viii) Whether this Hon'ble Court committed an error apparent in entertaining Suit No. 5 of 1989, which was based on mere 'impatience', which can never be a valid cause of action for any lis?

(ix) Whether this Hon'ble Court committed an error apparent in relying upon accounts of various travelers to decide a title suit?

(x) Whether this Hon'ble Court on one hand while deciding the possession of the dispute property could take into consideration its two separate portions, i.e. the inner courtyard and the outer courtyard and on the other hand hold that the area was a composite area?

(xi) Whether the ASI report could be relied upon for other facts, when in fact it has not noted that any structure whatsoever was destroyed for building the Babri Mosque?

(xii) Whether this Hon'ble Court erred in considering facts prior to 1856 is against the law laid down in the case entitled as *Masjid Shahidganj Vs. Shiromani Gurdwara Prabandhak Committee, Amritsar* reported in *AIR 1940 PC 116*?

(xiii) Whether in this Hon'ble Court erred in equating wanton acts of destruction and trespass committed by the Hindu parties to acts of assertion of claim over the disputed site?

(xiv) Whether this Hon'ble Court erred in not appreciating that the Babri mosque was Wakf property?

(xv) Whether the appreciation of evidence by this Hon'ble Court based on preponderance of probabilities was contrary to the record and *per incuriam?*

(xvi) Whether this Hon'ble Court erred in not holding the Hindu parties in the present matter, who were appearing in representative capacity, responsible for the series of illegal acts committed by the Hindu Community?

(xvii) Whether Parikrama can be a factor to be considered while adjudicating a title dispute?

7. The facts of the case leading to the filing of the present Review Petition are as follows:

(i) That a Masjid commonly known as Babri Masjid was constructed under the orders of Emperor Babur in 1528. Since its construction the Muslim community started offering prayers at the said Mosque which continued till 22.12.1949. The land adjoining the Babri Masjid on three sides was an ancient Muslim graveyard.

(ii) That from 1528 to 1857 there is no whisper and/or demand of any place called Sri Ram's birthplace within the precincts of Babri Masjid.

For the first time a *Chabutra* was illegally constructed within the boundary but outside the inner courtyard of the Babri Masjid.

(iii) That the Thanedar, Sheetal Dubey, filed an application dated November 28, 1858 revealing that one Mr. Nihang Singh Faqir Khalsa resident of Punjab, organized Hawan and Puja of Guru Govind Singh and erected a symbol of Sri Bhagwan within the premises of the Masjid. It was requested that action, as deemed necessary, may be taken. **(Please see Exhibits 21 and 22 at Pages 95-102 of Running Volume 87)**

(iv) That Syed Mohammad, the Khateeb and Moazzin of the Babri Masjid, lodged a Complaint being Case No. 884 to Station House Officer about installation of a Nishan by a Nihang Fakir and requested for the removal thereof. Moreover, Mohammad Asghar, who was the Mutawalli of the Babri Masjid also complained that an earthen Chabutra and a symbol of idol was made by the Fakir and adjacent to that a ditch was dug and fire was lit for puja and 'Ram' was written by him with coal within the Masjid Compound. It was further complained that since the Babri Masjid is the place of offering Namaz by Muslims, if Puja is held at the same place, it would lead to communal clash. **(Please see Exhibit 22 at Pages 90-94 of Running Volume 87)**

(v) That after the complaint an order was passed, pursuant to which Sheetal Dubey, Thanedar visited the disputed premises and informed Nihang Faqir about the order but he replied that the entire place is of Nirankar and the government of the country should impart justice. **(Please see Exhibit A-69 at Pages 1332-1333 of Running Volume 10)**

(vi) That in the meanwhile, an application was made by Mohammadi Shah seeking postponement of the grant of a lease in respect of village Ramkot until a decision was taken on whether the land is Nazul land. **(Please see Exhibit 23 at Pages 103-106 of Running Volume 87)**

(vii) That an application dated November 5, 1860 was filed by Mir Rajab Ali in Case No. 223 seeking a relief that the newly constructed Chabootra in the graveyard, adjacent to Babri Masjid be demolished and a bond be executed by the opposite parties that they will not interfere in the masjid properties and will not blow conch at the time of Azan. **(Please see Exhibit 31 at Pages 145-152 of Running Volume 87)**

(viii) That Deputy Commissioner, Faizabad *vide* Order dated April 3, 1877 granted permission to Hindus to open a new door in the northern outer wall of the disputed building. **(Please see Exhibit 30 at Pages 136-144 of Running Volume 87)**

(ix) That a Memo of Appeal No. 56 being Appeal No. 56 was filed by Syed Mohd. Asghar Ali before the Commissioner, Faizabad against the Order dated April 3, 1877 passed by the Deputy Commissioner, Faizabad, whereby he had granted permission to Hindus to open a new door in the northern outer wall of the disputed building. It was complained that the wall being that of the Mosque, this alteration could not be allowed to be made on behest of the Hindus. It was further stated that when the appellant himself had requested that he be permitted to open the said door on his own expenses and was ready & willing to open the said door, in such circumstances, the defendants- belonging to other religion could not have been accorded

permission to construct the door. **(Please see Exhibit 30 at Pages 136-144 of Running Volume 87)**

(x) That a report dated May 14, 1877 was submitted by the Deputy Commissioner stating that if the other door was not opened then human life would be endangered as there was great rush. **(Please see Exhibit 15 at Pages 61-65 of Running Volume 87)**

(xi) That the Appeal being Appeal No. 56 filed by Syed Mohd. Asghar Ali was dismissed *vide* order dated December 13, 1877 on the ground that opening of the outer door was in the interests of 'public safety'. **(Please see Exhibit 16 at Pages 66-68 of Running Volume 87)**

(xii) That the Plaint of Suit No. 1374/943 of 1882 dated October 22,1882 was filed by Mohd. Asghar against Raghubar Das entitled as *Mohd. Asghar v. Raghubar Das Mahant and Nirmohi Akhara* claiming rent for use of Chabutra and Takht situated near the door of Babri Masjid Oudh and for organizing Kartik Mela at the occasion of Ram Navami for the period of 1881-1882 AD. (1288 and 1289 Fasli). **(Please see Exhibit 24 at Pages 107-111 of Running Volume 87)**

(xiii) That the Learned Court of the Sub Judge, Faizabad dismissed the Suit No. 1374/943 of 1882 *vide* order dated June 18, 1883. It is submitted that though the Suit was dismissed, Mohd. Asghar's capacity as a mutawalli of the Babri Mosque was not challenged. **(Please see Exhibit 17 at Pages 69-79 of Running Volume 87)**

(xiv) That a Suit being Suit No. RS 61/280 of 1885 dated January 19/21, 1885 was filed by one Mahanth Raghubar Das, Mahanth Janam Asthan against Secretary of State for India in Council, seeking

permission to construct a temple over the Chabutra admeasuring 17'*21' Janam Asthan situated in Ayodhya and for restraining the defendant from interfering in the said exercise of the Plaintiff. Pertinently, in the map annexed to the Plaint it was clearly admitted that the portion of inner courtyard and the constructed portion situated at the western side of Chabutra 17ft/21ft was the Masjid and was shown to have been in possession of the Muslims. Therefore, the existence of Babri Masjid was admitted by the said Plaintiff. **(Please see Exhibit A-22 at Pages 51-54 of Running Volume 3)**

(xv) That the Court of Faizabad in Suit No.61/280 of 1885 appointed Gopal Sahai Amin's Commission and directed him to prepare a map of the site by conducting spot inspection and submit a report. Accordingly, a report dated December 6, 1885 was submitted by that Commission alongwith a map of the disputed site. In this Map also, the Masjid was specifically shown in the western side of the Chabutra (platform). **(Please see Exhibit A-25 at Pages 60-62 of Running Volume 3)**

(xvi) That a Written Statement dated December 22, 1885 was filed by Mohd. Asghar (Mutawalli of Babri Masjid) in Suit No. 61/280 of 1885 stating that it was the emperor Babar who got constructed the said Babri Masjid and above the door of the boundary of the Babri Masjid the word "ALLAH" was inscribed. It was submitted therein that mere passage inside the courtyard of the Babri Masjid by plaintiff therein could not create rights in his favour. It was further submitted that since the construction of the Masjid till 1856 no Chabootra was in existence at its place and it came to be built in the year 1857, wherein the Muslims opposed the construction of Chabootra and filed a suit,

wherein order for digging of Chabootra was issued. It was also stated that the limitation had expired, as is evident from the Order dated February 23, 1957. **(Please see Exhibit A-23 at Pages 55-58 of Running Volume 3)**

(xvii) That the Learned Sub-Judge *vide* order dated December 24, 1885 rejected the prayer of construction of temple at the Chabutara in Suit No. RS 61/280 of 1885. It is submitted that the Learned Sub-Judge, *inter alia*, made the following observations: -

i. Muslims were praying inside in the Masjid and the Hindus were praying outside at the Chabutara and between the Masjid and Chabootra is well built wall with railings.

ii. Before this a controversy had arisen both Hindus and Muslims were worshipping in the place and therefore, in 1855 a wall in the form of railing was erected to avoid controversy, so that Muslims worship inside it and Hindus worship outside it.

iii. It was erroneously recorded that Chabutara was in the possession of the Plaintiffs and belonged to Hindus. However, this finding was set aside in the appeal.

iv. It is further relevant to note that this Judgment records the written proofs submitted by the Plaintiff and notes only the following:

- Copy of the selection of Gazetteer of Avadh State page 7 printed by the order of the Government, May

- Journal of the Asiatic Society relating to the translation of Ayodhya Mahant.

(Please see Exhibit A-19 at Pages 63-70 of Running Volume 3)

(xviii) That being aggrieved by the aforesaid order and judgement dated December 24, 1885 Mahant Raghubar Das filed an Appeal being Civil Appeal No. 27/1886 before the District Judge, Faizabad which was dismissed by the Learned District Judge, *vide* Judgment and Decree dated March 18, 1886 and it was held, *inter alia,* that:

> *"The entrance to the enclosure is under a gateway which bears the superscription 'Allah' immediately on the left is the platform or chabutra of masonry occupied by the Hindus. On this is a small superstructure of wood in the form of a tent. This chabutra is said to indicate the birthplace of Ram Chandra. In front of the gateway is the entry to the masonry platform of the Masjid. A wall pierced here and there with railings divides the platform of the Masjid from the enclosure on which stands the chabutra".*

(Please see Exhibit A-27 at Pages 71-74 of Running Volume 3)

Further, the decree dated March 18, 1886 in Civil Appeal No. 27/85 also held the following:

> *"…It is ordered that the appeal be dismissed that the remarks of the sub-judge granted on the judgments of this Court declaring right of property to vest in Plaintiff be cancelled and the cost of this appeal amounting to Rs. 12/5 as noted below are to be apid by the Plaintiff excepting 16/….."*

(Please see Exhibit A-28 at Pages 75-77 of Running Volume 3)

(xix) That being aggrieved by the aforesaid dismissal of Civil Appeal No.27/1886 *vide* Order dated March 18, 1886, the Plaintiff therein namely Mahant Raghubar Das filed Second Appeal being Second Appeal No. 122/1886 before the Judicial Commissioner, Oudh which was dismissed *vide* Order dated November 1, 1886 passed by the Judicial Commissioner, Oudh, wherein it was held *inter alia*, as under:-

> *"The matter is simply that the Hindus of Ajodhya want to erect a new temple of marble over the supposed holy spot in Ayodhya said to be the birth place of Shri Ram Chander. Now this spot is situated within the precincts of the grounds surrounding a Babri Masjid constructed some 350 years ago owing to the bigotry and tyranny of the Emperor Babur, who purposely chose this holy spot according to Hindu legend as the site of his Babri Masjid.*
>
> *The Hindus seem to have got very limited rights of access to certain spots within the precincts adjoining the Babri Masjid and they have for a series of years been persistently tying to increase those rights and to erect buildings on two spots in the enclosure:*
>
> *(1) Sita Ki Rasoi*
> *(2) Ram Chander Ki Janam Bhoomi.*
>
> *The Executive authorities have persistently refused these encroachments and absolutely forbid any alteration of the 'status quo'.*

I think this is a very wise and proper procedure on their part and I am further of opinion that the Civil Courts have properly dismissed the Plaintiff's claim.…

There is nothing whatever on the record to show that the plaintiff is in any sense, the proprietor of the land, in question".

(Please see Page 769 at Para 867 of Volume 1 of the High Court Judgment)

(xx) That in 1934, due to communal riots, the domes of the disputed structure and its substantial part was destroyed. However, it was renovated at the cost of the British Government through a Muslim Thekedar (Contractor).

(xxi) That an Application was moved by Mohd. Zaki and others for the compensation of the loss caused in the riot held on March 27, 1934 and the same was allowed and granted by the Dy. Commissioner Faizabad *vide* dated October 6, 1934 subject to any other objections. Thereafter on December 22,1934 a Notice was published by District Magistrate, Faizabad with respect to fine imposed under Section 15A(2) of the Police Act and for its realization from the Hindu resident of Ayodhya. Pertinently, in this application it was mentioned that:-

i. The Bairagis of Ayodhya and Hindu people attacked the Babri Masjid intentionally and have caused great damage.

ii. The repair of the masjid will require a huge sum of money.

iii. It was therefore prayed that the estimated cost of repairs, i.e. Rs. 15000 be recovered from the Bairagis and other Hindu people of Ayodhya as per Section 15 of the Police Act,1861

(Please see Exhibits A-6, A-43 at Pages 23-25, 109-110 of Running Volume 3 and Exhibit C11, Annexures P-21, 22 at Pages 125-126 of Running Volume 92)

(xxii) That in the meanwhile, *vide* the order dated May 12, 1934 the Mohammadans were permitted to start the work of cleaning of Babri Mosque from Monday i.e. May 14, 1934, so that it could be used for religious purposes. **(Please see Exhibit A-49 at Pages 124-125 of Running Volume 3)**

(xxiii) That the U.P. Gazette dated February 26, 1944 showed the Babri Mosque in the list of Wakf properties. **(Please see Exhibit A34 at Page 92 of Running Volume 3)**

(xxiv) That an agreement dated March 19, 1949 was entered into by Panchas of Nirmohi Akhara laying down the constitution, functioning etc. of Nirmohi Akhara and was registered in Sub Registrar's Office. **(Please see Exhibit 1 at Pages 1-17 of Running Volume 90)**

(xxv) That on November 12, 1949, word got around that some unlawful elements would attack the controversial building, i.e. Babri Masjid and the district officers were informed who accordingly increased the number of guards on the spot who began locking the Masjid after every namaz. The said information was also forwarded by the

Superintendent of Police, Faizabad to the Deputy Commissioner Shri KK Nayar.

(xxvi) That Mohd. Ibrahim, Waqf Inspector submitted his Report dated December 10, 1949 wherein it was detailed that Numberdar was the Mutawalli and that Javed Hussain's name was proposed as the Mutawalli. Moreover, on investigation it was revealed that Muslims were harassed by Hindus and Sikhs if they go and pray in the Masjid. **(Please see Exhibit A-63 at Pages 1330-1331 of Running Volume 10)**

(xxvii) That Shri KK Nayar (Deputy Commissioner & D.M. Faizabad) sent letter dated December 16, 1949 addressed to the Govind Narayan (Home Secretary, Government of Uttar Pradesh) wherein it was stated that a magnificent temple at the disputed site was constructed by Vikaramaditya in 16th Century which was demolished by Babur and the mosque known as Babri Masjid was constructed. It was further stated that in the said process of construction, building material of the Temple was used, and that a long time before Hindus were again restored to possession of a site therein i.e. at the corner of two walls. It was further mentioned that Muslims who go to the mosque pass in front of the temple an there has frequently been troubles over the occasional failure of the Muslims to take off their shoes. Lastly, he requested the State Government to not give credence to the apprehensions of the Muslims regarding safety of the Babri mosque.

(xxviii) That on the intervening night of December 22/23, 1949, around 50-60 members of the Hindu Community trespassed into the Babri

Masjid and placed idols below the Central Dome of the Babri Masjid. That Pandit Sri Rao Deo Dubey, (Sub-Inspector In-charge, Thana: Ayodhya) was informed about the incident by Mata Prasad constable and then he had himself visited the site and lodged an FIR that in the intervening night of December 22/23,1949, a crowd of 50-60 persons had broken the locks of the compound of Babri Mosque and by climbing the walls by ladders illegally entered in the Mosque and had placed the idol of Sri Bhagwan and had written various slogans such as Sita Ram Ji etc. on the walls, inside and outside. **(Please see Exhibit 51 at Pages 1201-1205 of Running Volume 78)**

(xxix) That on December 25, 1949, Shri KK Nayar recorded that Puja and Bhog were being offered as usual at the disputed site.

(xxx) That on December 26,1949, after the desecration of the mosque on the intervening night of December 22/23,1949, Shri K.K. Nayar, D.M. wrote to Bhagawan Sahai (Chief Secretary Government of U.P.) noting that the news of desecration came as a great surprise as it had never been reported or suspected that there was any move to enter and occupy the masjid by force. It is submitted that in view of the previous communications, this surprise did not appear to be genuine. Further, in the same letter, Shri K.K. Nayar refused to carry out the orders of the Government to have the idols removed from the mosque and stated that if the government still insisted that the removal should be carried out, he would request that he be replaced by another officer. **(Please see Exhibit 66 at Pages 1758-1763 of Running Volume 11)**

(xxxi) That on December 27, 1949, Shri K.K. Nayar again wrote to Shri Bhagwan Sahai stating that he had been informed by the Commissioner of the outline of a scheme for removing the idol from the mosque surreptitiously to Janambhoomi Temple, outside the mosque. He stated in his letter that he did not agree with the said idea. He further stated that:-

i. He would be unable to find any Hindu, let alone a qualified priest who will be prepared on any inducement to undertake the removal of the idol.

ii. The installation of the idol in the mosque is certainly an illegal act, which has placed not only local authorities but also the Government in a false position.

iii. He offered the following solution:-

a) Mosque should be attached and both Hindus and Muslims should be excluded form it with the exception of minimum number of Pujaris.

b) Parties will be then referred to the Civil Court for adjudication of rights and no attempt will be made to hand over possession to the Muslims until the Civil Court, decrees the claim in their favour.

c) This solution is open to criticism that it perpetuates an illegal position created by force and subterfuge and that it does not immediately restore the status quo which existed before the illegal act.

d) During the pendency of Civil Proceedings, it may be possible to reach a compromise, Muslims could be induced to give up the mosque voluntarily to the Hindus.

(Please see Exhibit 67 at Pages 1764-1770 of Running Volume 11)

(xxxii) That on December 29, 1949, a preliminary order under Section 145, Cr. P.C. was issued by Additional City Magistrate, Faizabad-cum-Ayodhya and simultaneously attachment order was also passed treating the situation to be that of an emergency. Additionally, the disputed site (i.e. the inner portion of the mosque) was also directed to be given in the receivership of Sri Priya Datt Ram, Chairman, Municipal Board. **(Please see Exhibit 1 at Pages 1-2 of Running Volume 91)**

(xxxiii) That in pursuance of the aforesaid orders, on January 5, 1950, Sri Priya Datt Ram took charge and made an inventory of the attached properties. He also submitted the scheme of management in accordance with preliminary order of attachment. **(Please see Exhibit 3 at Pages 9-13 of Running Volume 91)**

(xxxiv) That on January 16, 1950, Regular Suit No. 2 of 1950 (renumbered as OOS No. 1 of 1989 – *Suit 1*) titled as *'Gopal Singh Visharad v. Zahoor Ahmad and Ors.*' was filed in the Court of Civil Judge, Faizabad. The relief sought by the Plaintiff was that it be declared that the plaintiff according to his religion and custom is entitled to worship and have *'darshan'* of Sri Bhagwan Ram Chandra and others at the place of Janam Bhumi by going near the idols without

any hindrance and Defendants have no right to interfere in the said rights. The plaintiff also sought an injunction against Defendants that, they should not remove the idols of Bhagwan Ram Chandra and others from the place where the idols were and also that they should not close the way of entry and should not interfere in worship and *'darshan'* in any manner. **(Please see Exhibit 42 at Pages 1672-1678 of Running Volume 11)**

(xxxv) That, further, on the same day, i.e. on January 16,1950, an *ad-interim ex-parte* injunction order was passed in OOS No. 1 of 1989 (i.e. R.S. No. 2 of 1950) which was later modified by an *ad-interim ex-parte* injunction order dated January 19, 1950. In the Order dated January 19, 1950, the opposite parties (being Muslim parties) were restrained by means of temporary injunction to refrain from removing idols in question from the site in dispute and from interfering with puja etc.

(xxxvi) That on February 13, 1950, the Defendants in OOS No. 1 of 1989 (i.e. R.S. No. 2 of 1950) *(i.e. the Muslim parties)* filed objections in order to get the interim Order dated January 16, 1950 vacated. **(Please see Exhibits 1-14 at Pages 1-60 of Running Volume 87)**

(xxxvii) That on March 25, 1950 after hearing the parties on the objections filed against ex-parte injunction dated 16.01.1950, the Civil Judge decided to get a map of the locality and building prepared through a Commissioner. Shiv Shankar Lal was appointed as Commissioner to prepare the map. Bashir Ahmad, Vakil was appointed as Commissioner to take photographs.

(xxxviii) That on April 1, 1950 an order was passed in OOS No. 1 of 1989 (i.e. R.S. No. 2 of 1950) directing the preparation of maps. Muslim parties objected to the nomenclature for example usage of nomenclature such as Sita Rasoi, Bhandaar, Hanuman Dwar etc. in the map prepared by Shiv Shankar Lal Pleader.

(xxxix) That the United Province (Uttar Pradesh State) filed its Written Statement in Regular Suit No. 2 of 1950 (renumbered as OOS No.1 of 1989) admitting that on the night of December 22, 1949, the idols of Lord Ram were surreptitiously and wrongly put inside the Babri Masjid. The State Government clearly stated that property in suit is known as Babri Mosque, and it has, for a long period has been used as a mosque for the purpose of worship by Muslims. It has not been used as temple of Shri Ram Chandra Ji. **(Please see Page 34 of Running Volume 72)**

(xl) That on May 1, 1950, the Defendant No. 9 (Shri Tam Kripal Singh, Superintendent of Police, Faizabad) filed his Written Statement in R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) and admitted that on the night of December 22, 1949, the idols of Ram were surreptitiously and wrongly put inside Babri Masjid. **(Please see Exhibit 43 at Pages 1679-1682 of Running Volume 11)**

(xli) That on May 25, 1950, Shiv Shankar Lal Pleader (who was appointed as a commissioner in OOS No. 1 of 1989 to prepare a site plan of the locality and building in suit on scale, submitted his Report. The Report described the two plans prepared by him- Plan No. I representing the building in the suit and Plan No. II which represents the building within the locality. It is relevant to note that

in the Report, he mentions that the names of various samadhis and other structures as Noted in Plan No. II were given by sadhus and others present on the spot. **(Please see Annexures A-210, A-211 at Pages 1841-1842 of Running Volume 12)**

(xlii) That on August 3, 1950, a report was submitted by Mr. Bashir Ahmad Khan, Pleader Commissioner in OOS No. 1 of 1989 which contained descriptions of the Babri Masjid and the area surrounding it. The report noted that there were number of Islamic inscriptions on the Masjid and a number of pucca graves in the disputed site. The report also attached 13 photographs of the disputed site. **(Please see Volume A54 tendered by Dr. Rajeev Dhavan, Senior Advocate)**

(xliii) That on December 5, 1950, Regular Suit No. 25 of 1950 (renumbered as OOS No. 2 of 1989 – *Suit 2*) entitled as *'Paramhans Ramcharan Dass v. Zahoor Ahmed and Ors.'* was filed. The prayers in the said suit were similar to the prayer and reliefs claimed in R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989). Notably, while R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) had been filed without the mandatory notice under Section 80 of the CPC to the State Government and its officers, the second suit was filed after giving the aforesaid notice.

(xliv) That on March 3, 1951, the interim injunction dated January 16, 1950, which was modified on January 19, 1950, was confirmed. It was directed that the said order will remain in force till the disposal of the suits as on the date of filing the R.S. No. 2 of 1950 (O.O.S. No. 1 of 1989) the idols of Shri Ram Chandra and others were

already present and worship was performed. The appeal against this order (dated March 3, 1951) was dismissed by the Hon'ble High Court on April 26,1955. **(Please see Para 128 at Page 200/Vol.1 of the High Court Judgment)**

(xlv) That on July 30, 1953 The Learned City Magistrate, Faizabad *vide* Order dated July 30, 1953 passed in the matter of *State* v. *Janam Bhumi & Babri Mosque* (Section 145 CrPC Proceedings) consigned the file to the record. The relevant portion of the order is extracted below:-

> *"This case under Section 145 has been lingering on unnecessarily and dates are being fixed in the hope that the Civil Suit might be disposed of or the temporary injunction vacated.*
>
> *The disputed property i.e. Babri Masjid/Janmabhumi premises are already in possession of the receiver. Sri Priya Dutt Ram appointed by the Additional City Magistrate under his order dated 29th December, 1949 referred to above and the said receiver has been looking after the property since 5.1.1950, the date of assuming charge. As the finding of the civil court will be binding on the criminal court it is no use starting proceedings in this case under Sec. 145 Cr.P.C. and regarding evidence specially when a temporary injunction stands, as it cannot be said what may be the finding of this court after recording the evidence of parties. From the administrative point of view the property is already under attachment and no breach of peace can occur.*

I therefore order that the file u/s 145 Cr.P.C. be consigned to records as it is and will be taken out for proceeding further when the temporary injunction is vacated."

(Please see Exhibit 25 at Pages 1633-1634 of Running Volume 11)

(xlvi) That the Hon'ble High Court vide order dated April 26, 1955 passed in F.A.F.O. No. 154 of 1951 dismissed the appeal preferred against the Order dated March 3, 1951 and suit was directed to be decided expeditiously. **(Please see Page 3681/Vol.3 of the High Court Judgment]**

(xlvii) That on December 17, 1959, Regular Suit No. 26 of 1959 (renumbered as O.O.S. No. 3 of 1989) titled '*Nirmohi Akhara vs. Babu Priya Dutt Ram & Others'* was filed, alleging that the disputed site was the birthplace of Lord Ram and the building on it was a temple of Janma Bhumi which has always been in the possession of Nirmohi Akhara. It was prayed that a decree be passed for removal of the Defendant No.1 (Receiver) from the management and charge of the said temple of Janma Bhoomi and delivering the same to the Plaintiff through its Mahant. **(Please see Pages 48-53 of Running Volume 72)**

(xlviii) That on December 21, 1959, the application under Order 1, Rule 8 CPC was allowed in R.S. No. 26 of 1959 (later renumbered as OOS No. 3 of 1989) and the plaintiff was permitted to sue Muslim parties in the suit. **(Please see Page 51/Vol.1 of the High Court Judgment)**

(xlix) That on December 18, 1961 another suit being Regular Suit No.12 of 1961 (renumbered as OOS No. 4 of 1989 – *Suit 4*) was filed by the Sunni Central Board of Waqfs, U.P. and 9 Muslims of Ayodhya (including *inter alia* Plaintiff No. 2, who was later substituted by Plaintiff No. 2/1- Mohd. Siddiq, who is the Review Petitioner in the present Review Petition). The relief claimed was as follows:

a) A declaration to the effect that the property indicated by letters ABCD in the sketch map attached to the plaint is pubic mosque commonly known as 'Babari Masjid' and that the land adjoining the mosque shown in the sketch map by letters EFGH is a public Muslim graveyard as specified in para 2 of the plaint may be decreed.

b) That in case in the opinion of the Court delivery of possession is deemed to be the proper remedy, a decree for delivery of possession of the mosque and graveyard in suit by removal of the idols and other articles which the Hindus may have placed in the mosque as objects of their worship be passed in Plaintiff's favour, against the defendants

c) Costs of the Suit be decreed in favour of the Plaintiffs

d) Any other or further relief which the Hon'ble Court considers proper may be granted"

Thereafter the following prayers were added in the plaint by moving an amendment application which was allowed by the Hon'ble Court on May 25,1995:-

bb) That the Statutory receiver be commanded to hand over the property in dispute described in the Schedule 'A' of the Plaint by removing the unauthorized structures erected thereon.

(Please see Pages 82-95 of Running Volume 72)

(l) That on April/May 28, 1962, the Defendant No. 5 to 8 being State of Uttar Pradesh, Collector Faizabad, City Magistrate Faizabad and Superintendent of Police, Faizabad respectively in O.O.S. No. 4 of 1989 filed common Written Statement stating that the Government is not interested in property in dispute and as such not contesting the Suit and that they are State Officials and the action taken by them was under official duty and therefore, they may be exempt from the cost of the suit. **(Please see Page 131 of Running Volume 72)**

(li) That the Learned Court of Civil Judge, Faizabad *vide* Order dated August 8, 1962 passed in R.S. No. 12 of 1961 allowed the Plaintiffs therein to sue on behalf of the entire Muslim community and Defendant Nos. 1 to 4 therein were allowed to be sued as representatives of the entire Hindu Community. **(Please see Issue No.6, Page 3020 of the High Court Judgment]**

(lii) That on January 6, 1964, the Learned Civil Court, Faizabad passed an order consolidating all the four suits and made the R.S. No. 12

of 1961 (OOS No. 4 of 1989) as leading case. **(Please see Page 50/Vol. 1 of the High Court Judgment)**

(liii) That the Learned Civil Judge Faizabad *vide* order dated April 21, 1966 held that the Defendants in O.O.S. No. 4 of 1989 were not estopped from challenging the character of property in suit as a Waqf under the administration of Plaintiff No. 1 in view of provision of Section 5(3) of the U.P. Muslim Waqf Act No. XIII of 1936. Further, the Learned Civil Judge also held that the proceedings under the U.P. Muslim Waqf Act No. XIII of 1936 are not conclusive and that there was no valid notification under Section 5(1) of the U.P. Muslim Waqf Act No. XIII of 1936. **(Please see Para 142 at Page 205/Vol.1 of the High Court Judgment)**

(liv) That in 1978, Suit No 57 of 1978 entitled *Bhagwan Sri Ram Lala* vs *State* was filed in the Court of Munsif Sadar, Faizabad but the same was dismissed for non-compliance of Court's order with respect to payment of Court fees. **(Please see Para 94 at Page 190/Vol.1 of the High Court Judgment)**

(lv) That in order to improve the administration of the purported temple, to purportedly re-construct a temple at the Ram Janambhoomi and to perform all religious ceremonies/rites at the temple, a trust named, Sri Ram Janmabhoomi Nyas, was formed *vide* the Trust deed of December 18, 1985 registered with the Sub-Registrar, S.D. No. 1 at Delhi, *vide* No. 16510 in Additional Book No. 4, Volume 1156 at Pg. Nos. 64-69. **(Please see Pages 3682-3684/Vol.3 of the High Court Judgment)**

(lvi) That on January 21, 1986, two applications filed by one Umesh Chandra Pandey were listed before the Learned Munsif:-

(a) First application was filed in Suit 1 alleging that the state authorities were violating the injunction order by not permitting unobstructed worship. On 21.01.1986, the Learned Munsif referred to the order dated 09.05.1975 in the FAFO No. 17 of 1977 whereby the order dated 18.03.1975 was stayed and directed the parties to inform the latest position about the continuance of the interim Order dated May 9, 1975 and fixed the matter on February 1, 1986. **(Please see Para 149 at Page 207/ Vol.1 of the High Court Judgment)**

(b) Second application was also filed in Suit 1 and a direction was sought to direct Defendant Nos. 6-9 (State Authorities) to not to create any obstruction in Darshan, pooja etc. On 25.01.1986, the Learned Munsif directed the District Government Counsel to file objections and fixed the matter for 28.01.1986. **(Please see Paras 149-150 at Page 207/Vol.1 of the High Court Judgment)**

(c) It is relevant to note that at this stage, this Applicant- Umesh Chandra Pandey, was not a party to the Suits.

(lvii) That on January 28, 1986, the District Government Counsel informed the High Court that *vide* Order dated May 9, 1975 the Hon'ble High Court had only stayed the Order dated March 18, 1975 and there is no stay on further proceedings and stated that Defendant No. 6-9 in O.O.S. No. 1 of 1989 were not creating any

obstruction. However, the Learned Munsif deferred the matter as the original records of the leading suit being O.O.S. No. 4 of 1989 had already been summoned by the Hon'ble High Court. **(Please see Para 150 at Page 207/Vol.1 of the High Court Judgment)**

(lviii) That on February 1, 1986, a revision was filed before the Learned District Judge, Faizabad against the order dated 28.01.1986, who treated the said revision as appeal and passed an order directing to open the locks placed on the gate of Inner Courtyard. Challenging the order dated 01.02.1986, WP No. 746 of 1986 was filed by Md. Hashim, and WP No. 3106 of 1986 was filed by UP Sunni Central Board of Wakf. **(Please see Para 151 at Page 207/Vol.1 of the High Court Judgment)**

(lix) That the Hon'ble High Court *vide* order dated 03.02.1986 in WP No. 746 of 1986 directed that until further orders of the High Court the nature of the property as existing on that day shall not be changed. **(Please see Para 152 at Page 207/Vol.1 of the High Court Judgment)**

(lx) That on May 12, 1986, WP No. 3106 of 1986 filed by the Sunni Central Waqf Board was tagged alongwith WP No. 746 of 1986. Both the Writ Petitions were dismissed as infructuous after pronouncement of the Judgment dated September 30, 2010. **(Please see Para 153 at Page 207/Vol.1 of the High Court Judgment)**

(lxi) That on March 23, 1987, FAFO No. 17 of 1977 was decided. The Court directed that record of all the four suits pending in the lower

court to be placed before the District Judge, Faizabad. The stay orders of these suits were vacated but, the site position continued in view of the order dated 03.02.1986 passed by the Hon'ble High Court in WP No. 746 of 1986. **(Please see Para 154 at Page 207/Vol.1 of the High Court Judgment)**

(lxii) That on December 10/15, 1987, the State of Uttar Pradesh filed an application being Misc. Case No. 29 of 1989 under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 before the Hon'ble High Court of Allahabad of Judicature at Lucknow on the ground that due to importance of the matter the suits may be withdrawn from the Civil Court, Faizabad and be transferred to High Court and gave an under taking to meet the expenses of the witnesses etc. Thereafter, the above application was allowed, and the cases were directed to be disposed of by the full bench of the Hon'ble High Court and the matter was placed before the Hon'ble Chief Justice of the Hon'ble High Court for constituting the full bench. **(Please see Page 2917/Vol.3 of the High Court Judgment)**

(lxiii) That in 1989, the suits were re-numbered as O.O.S. No. 1 of 1989 (previously R.S No. 2 of 1950), O.O.S. No. 2 of 1989 (previously Regular Suit No. 25 of 1950), O.O.S. No. 3 of 1989 (previously R.S. No 26 of 1959), O.O.S. No. 4 of 1989 (previously R.S. No. 12 of 1961) and O.O.S. No. 5 of 1989 (Previously R.S. No. 236 of 1989). However, the O.O.S. No. 2 of 1989 was subsequently withdrawn. **(Please Page 2917/Vol.3 of the High Court Judgment)**

(lxiv) That on July 1, 1989, regular Suit No. 236 of 1989 (renumbered as OOS No. 5 of 1989) was filed and an application for transfer of the said suit to the Hon'ble High Court was also filed by the plaintiffs therein. The plaintiffs sought the relief of a decree of declaration to the effect that the entire premises of Sri Ram Janama Bhoomi at Ayodhya as described and delineated in Annexures I, II and III belong to the Plaintiff Deities and for a perpetual injunction against the defendants prohibiting them from interfering with, or raising any objection to or placing any obstruction in the construction of the new Temple building at Sri Ram Janama Bhoomi, Ayodhya, after demolishing and removing the existing buildings and structures etc. **(Please see Pages 234-260 of Running Volume 72]**

(lxv) That on July 10, 1989, the Plaintiff in O.O.S. No. 5 moved an application under S. 24 of CPC for transfer Suit No.5 to the Hon'ble High Court alongwith the other suits. The Hon'ble High Court *vide* order dated 10.07.1989 allowed the said application. **(Please see Para 157 at Page 208/Vol.1 of the High Court Judgment)**

(lxvi) That on July 21, 1989, the Hon'ble Chief Justice of the Allahabad High Court constituted a Special Bench of three Judges. **(Please see Para 158 at Page 208/Vol.1 of the High Court Judgment)**

(lxvii) That on October 23, 1989, an application being Application No. 5(o) of 1989 was filed by the State of Uttar Pradesh under Order 39 Rule 1 and 2 read with Section 94 of CPC. On October 23,1989, the Hon'ble High Court directed the parties to maintain *status quo* until further orders in all the five connected suits and also directed the parties to not change the nature of property in question. In the same

order, the Hon'ble High Court also expressed doubt about some of the questions involved in the suit, if they were solvable by a judicial process. **(Please see Para 162 at Page 208/Vol.1 of the High Court Judgment)**

(lxviii) That on October 24, 1989, the Hon'ble High Court stayed the proceedings of O.O.S. No. 5 of 1989 till the final disposal of the four previous suits. The said order was recalled on 05.02.1992 and O.O.S. No. 5 of 1989 proceeded alongwith the other four suits. **(Please see Para 163 at Page 208/Vol.1 of the High Court Judgment)**

(lxix) That on December 21, 1989, the plaintiffs in Suit No. 3 were allowed to sue the defendants (Muslims) in representative capacity under Order 1 Rule 8. **(Please see Para 166 at Page 209/Vol.1 of the High Court Judgment)**

(lxx) That on February 8, 1991, the Commissioner submitted his supplementary report after surveying and locating the disputed property with reference to settlement maps of 1861 and 1937. The Commissioner instead of surveying the land had accepted the fresh map supplied by the Plaintiff (in OOS No. 4 of 1989). Ultimately, on August 8, 1991, the Hon'ble Court described the map as absurd and refused to accept the Commissioner's report. **(Please see Para 20 at Page 3183/Vol.3 of the High Court Judgment]**

(lxxi) That by virtue of notifications dated October 7, 1990, and October 10, 1991, under the provisions of the Land Acquisition Act, 1894, the State of UP acquired the premises in dispute alongwith some

adjoining area (Total Area-2.77 Acres) for “development of tourism and providing amenities to Pilgrims in Ayodhya”. **(Please see Paras 170-172 at Pages 209-210/Vol.1 of the High Court Judgment]**

(lxxii) That on October 16, 1991, the said acquisition was challenged before the High Court by means of several Writ Petitions, the lead petition being Writ Petition No 3540 (MB) of 1991 entitled as *Mohd Hashim v. State of U.P & Ors*. Two more Writ Petitions were filed being W.P. No. 3541 (M/B) of 1991 entitled as *Panch Ramanand Nirmohi Akhara and others v. State of Uttar Pradesh and others* and the Writ Petition No. 3542 (M/B) of 1991 entitled as *Khalid Yusuf v. Union of India and others*. **(Please see Para 172 at Page 210/Vol.1 of the High Court Judgment)**

(lxxiii) That another Writ being Writ Petition No. 1000 of 1991 was filed before this Hon’ble Court under Article 32 of the Constitution of India challenging the acquisition of land by the State of U.P. On November 15, 1991, this Hon’ble Court passed an order in the said Writ Petition, recording that the Government of Uttar Pradesh had undertaken that it will hold itself completely responsible for the protection of Ram Janmabhumi-Babri Masjid structures till the time a final solution is arrived at. This Hon’ble Court also directed that the Writ Petitions pending before the Hon’ble High Court will decide the legality of acquisition by the State of UP. **(Please see Para 4533 at Page 2864/Vol.3 of the High Court Judgment)**

(lxxiv) That in July 1992, several temples situated in the vicinity of Babri Masjid were demolished including the Janamsthan Temple.

(Please see Para 180 at Page 211/Vol.1 of the High Court Judgment)

(lxxv) That in view of the apprehension of the Muslims, a large crowd of Kar Sevaks was assembling in Ayodhya and they had the plan to demolish the Babri Masjid, Applications in the pending contempt petitions were filed against the State of U.P. for violating the orders of this Hon'ble Court and the High Court. In one of the applications being I.A. No. 5 in Contempt Petition 97 of 1992, it was prayed that directions be issued to the Union Government to step in and prevent a violation of the orders of the Court and also place property in *custodia legis* by appointment of receiver who will act under the control and directions of the Union Government. The application was considered on November 20, 1992 [(1994) 6 SCC 751], November 25, 1992 [(1994) 6 SCC 752]. Ultimately on November 28, 1992, an order was passed [reported in *Acchan Rizvi (III)* Vs. *State of U.P. and Others* (1994) 6 SCC 756] wherein it was recorded that the State of U.P. filed an affidavit and undertaking emphatically ensuring that no constructional activity would be carried on or permitted to be carried out by anyone. In view of the undertaking given, this Hon'ble Court abstained from granting the prayer in I.A. No. 5 but kept the application pending and observed that if the complexion of the problem changed then the application maybe considered. It was also directed that a Judicial Officer be appointed as an Observer of the situation. The matter was again listed on November 30, 1992, for appointment of Observer [(1994) 6 SCC 760] and on December 1, 1992, an order was passed by this Hon'ble Court directing that both the State and the Central

Government give due publicity about the undertaking given by the state government that no constructional activity would be carried out and no building material would be moved on the acquired land [(1994) 6 SCC 761].

(lxxvi) That on December 6, 1992, Babri Masjid was demolished in utter violation of the solemn undertaking given to this Hon'ble Court. Consequently, the President of India issued a proclamation under Article 356 of the Constitution of India dismissing the U.P. Government.

(lxxvii) That on December 11, 1992, The Full Bench of Allahabad High Court, quashed the notifications issued by the State of U.P. acquiring the areas under the notifications, inter-alia on the ground that the purpose of the notifications was primarily construction of a temple hence *mala fide*.

The Writ Petitions being 3540 of 1991 (M/B) and the connected matters challenging the notifications dated 07.10.1991 and 10.10.1991 were allowed by a Full Bench of the Hon'ble High Court and the notifications dated 07.10.1991 and 10.10.1991 issued by the State of UP were quashed, accepting the argument that the purpose of notification was mala fide and against secularism. **(Please see Page 54/Vol.1 of the High Court Judgment)**

(lxxviii) That on December 15, 1992, the President of India issued three proclamations under Article 356 of the Constitution of India dismissing all the three BJP run State Governments in Madhya Pradesh, Rajasthan and Himachal Pradesh, inter-alia, for

instigating the Kar Sevaks to participate in demolition of Babri Masjid and/or felicitating Karsevaks who participated in the demolition.

(lxxix) That on January 7, 1993, the Government of India issued the Acquisition of Certain Area at Ayodhya Ordinance, 1993 for acquisition of 67.703 acres of land in the Ram Janambhumi-Babri Masjid complex. It was later replaced by Act No. 33 of 1993, and in view of Section 4(3) of the aforesaid Act, all pending suits and legal proceedings abated.

(lxxx) That in 1993, the Special Reference No.1 of 1993 was made by the President of India under Article 143 of the Constitution of India, in the following terms:-

> *"Whether a Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janam Bhoomi and Babari Masjid (including the premises of the inner and outer courtyards on such structure) in the area on which the structure stands or not?"*

The Acquisition of Certain Area at Act Ordinance, 1993 was also challenged by *Dr. Ismail Faruqui* in Transferred Case (C) Nos. 41, 43 and 45 of 1993, *Jamiat-Ulama-E-Hind and another v. Union of India and others*, in Writ Petition (C) No. 208 of 1993, *Mohd. Aslam* v. *Union of India and others* and in Transfer Case No. 42 of 1993 *Thakur Vijay Ragho Bhagwan Birajman Mandir and another v. Union of India and others* and in Special Reference No. 1 of 1993, *Hargyan Singh* v. *State of U.P. and Others*.

(lxxxi) That on October 10, 1994, this Hon'ble Court decided the reference as well as the challenge to the Acquisition of Certain Areas at Ayodhya Act, 1993 (arising out of the Acquisition of Certain Area at Ayodhya Ordinance, 1993 (No. 8 of 1993)) matter through judgment reported in *Dr. M. Ismail Farooqi Vs. Union of India*, 1994 (6) SCC 360. This Hon'ble Court refused to answer the reference and struck down Section 4(3) of the Acquisition Act, 1993 which had directed abatement of all pending suits, as unconstitutional and invalid and upheld the validity of the remaining Act. The result was that the suits, which had abated in view of the aforesaid provision of the Acquisition Act, 1993, stood revived. It was also directed that the vesting of the disputed area described as inner and outer courtyard (in dispute in these suits) in the Central Government would be as the statutory receiver with the duty for its management and administration requiring maintenance of *status quo*. It was further directed that the duty of the Central Government as the statutory receiver would be to hand over the disputed area in accordance with Section 6 of the Act in terms of the adjudication made in the suits for implementation of the final decision therein as it was the purpose for which the disputed area had been so acquired. It was also clarified that disputed area (inner and outer courtyards) alone remained the subject matter of the revived suits. The claim of Muslims regarding adjoining graveyard was, therefore, not left to be decided.

The Judgment is reported as *Dr. M. Ismail Farooqi Vs. Union of India*, 1994 (6) SCC 360. **(Please see Running Volume 129)**

(lxxxii) That on May 25, 1995, the Hon'ble High Court permitted certain amendments to be made in the plaints of OOS No. 3 of 1989 and OOS No. 4 of 1989. Nirmohi Akhara, *inter alia* added the following averments in its plaint by way of amendment: -

i. On December 6,1992, the Temples of Nirmohi Akhara were also demolished.

ii. The main temple was also demolished on December 6,1992

iii. The customs of Nirmohi Akhara have been reduced to writing *vide* a Registered Deed dated March 19,1949.

Additionally, the plaintiffs in OOS No. 4 of 1989 made a few amendments and added the following prayer:-

"(bb) That the statutory Receiver be commanded to hand over the property in dispute described in the Schedule "A" of the Plaint by removing the unauthorised strictures erected thereon."

(lxxxiii) That on March 13, 2002, in a Writ Petition No 160 of 2002 filed under Article 32 of the Constitution of India by one Mohd Aslam *inter-alia* praying for preservation of adjacent land till the final decision in the title suit pending in the High Court of Allahabad, this Hon'ble Court while issuing rule, passed the following order:

"In the meantime, we direct that on 67.703 acres of land located in Revenue Plot Nos 159 and 160 in Village Kot Ramchandra which is vested in the Central Government, no religious activity

of any kind by any one either symbolic or actual including bhoomi puja or shila puja shall be permitted or allowed to take place.

*Furthermore, no part of the aforesaid land shall be handed over by the Government to anyone and the same shall be retained by the Government till the disposal of the writ petition nor shall any of this land be permitted to be occupied or used for any religious purpose or in connection therewith***…"**

This order is reported in *Mohd Aslam v Union of India (2003) 4 SCC 1.*

(lxxxiv) That on March 14, 2002, This Hon'ble Court clarified the aforesaid order dated March 13, 2002 by another order dated 14.03.2002 in the following terms:

"After hearing the learned Attorney General as there was some ambiguity in para 3 of our order dated 13.03.2002 we correct para 3 of our order as follows;

In the meantime, we direct that on 67.703 acres of acquired land located in various Plots detailed in the Schedule to the Acquisition of Certain Areas at Ayodhya Act, 1993 which is vested in the Central Government, no religious activity of any kind by any one either symbolic or actual including bhoomi puja or shila puja shall be permitted or allowed to take place…"

This order is reported in *Mohd Aslam v Union of India (2003) 4 SCC 1.* [Please see (2003) 2 SCC 576]

(lxxxv) That the Hon'ble High Court of Allahabad of Judicature at Lucknow *vide* Order dated August 1, 2002 in O.O.S. No. 4 of 1989 proposed the following terms in relation to the excavation of the disputed site:

> *"If it is ultimately decided to excavate the disputed land, in that event the excavation will be done by the Archaeological Survey of India under the supervision of five eminent Archaeologists (Excavators), even though retired, including two Muslims and the following procedure may be adopted:*
>
> (1) *The videography of excavation work be done and if any artefacts are found their photographs (coloured as well as black and white and slides) may be taken. Such artefacts/materials, if found, may be kept under the custody of the State of U.P.*
>
> (2) *Complete documentation as sites, artifacts be done properly.*
>
> (3) *The debris of disputed structure as existing after its demolition shall be removed.*
>
> (4) *The excavation or removal of the debris may be done between 9.00 A,M. to 5.00 P.M.*
>
> (5) *The Court may appoint observer for the excavation work.*
>
> (6) *At present at the disputed site the idol of "Shri Ramlala" has been placed and its devotees are worshipping, it may be placed at the Chabutra situate east of the site till the excavation work is complete."*

The Hon'ble High Court invited all the parties to submit in writing within two weeks, their suggestions/ views on the aforesaid proposal and also as to why the disputed land should not be allowed to be excavated by the ASI. Further, till decision in this Respect, the Court directed ASI to get the disputed site surveyed by Ground Penetrating Radar or Geo-Radiology (GPR) and obtain a report.

(lxxxvi) That After considering the objections raised by the Parties, the Hon'ble High Court passed an order that a report has to be made on the structures which exist on the disputed premises after hearing the objections of the parties and held inter alia:

> *"Having heard the Learned Counsel for the parties we are of the opinion that we should get the report in regard to the foundation, if any, of any structure at the site in question. One of the issues in the suit is whether there was any Hindu temple or any Hindu religious structures existed and the alleged Babri Masjid was constructed after demolishing such temple/ structure at the site in question."*

(lxxxvii) That on February 17, 2003, Survey Report was submitted by M/s. Tozo through ASI before the Hon'ble High Court.

(lxxxviii) That on an Application being CMA No. 19 of 2003 in O.O.S. No. 4 of 1989 was filed by the UP Sunni Central Waqf Board objecting to the excavation by the ASI alongwith letter dated 18.03.2003 addressed to the ASI wherein they had requested Sri. B.R. Mani, Team Leader, ASI Excavation Team to include appropriate number of Muslim labourers.

(lxxxix) That on March 12, 2003, the ASI commenced work on excavation.

(xc) That on March 21, 2003, the ASI Submitted a report showing some preliminary findings. Further, Sri B.R. Mani, Superintendent (Archaeology) and Team Leader, ASI submitted a brief report to the Hon'ble High Court through the Director General of ASI in which it was also requested that 2 months' extension maybe granted for excavation and 15 days more for writing the report. Further, Sri B.R. Mani *vide* his letter dated March 23, 2003, gave a pointwise reply to the application filed by the UP Sunni Central Waqf Board, stating that ASI had no role in engaging of the labour force.

(xci) That on March 26, 2003, the Hon'ble High Court passed an order noting that to maintain the faith of both the Communities, it is desirable that adequate representation of both the communities may be maintained in respect of the functioning of the ASI team and engagement of the labourers.

(xcii) That on March 21, 2003, a Writ Petition being Writ Petition No. 160 of 2002 (Mohd. Aslam v. Union of India) had been filed as a Public Interest Litigation and the issue raised before this Hon'ble Court was whether the land adjacent to the disputed area should be preserved till the final decision in the Suits pending before the Hon'ble High Court of Allahabad. On March 31, 2003, this Hon'ble Court disposed of the Writ Petition No. 160/2002 *vide* its judgment reported as (2003) 4 SCC 1 by directing that the order of this Hon'ble Court passed on 13.03.02 as modified by the order made on 14.03.02 should be operative until disposal of the suits in the High Court of Allahabad. It was observed that status quo has been

maintained from 1992 onwards and no activities as are set out in the course of the application have been required to be done so far. When for a long time, a particular state of affairs has prevailed- as in the present case for over a decade- and when the adjudication of the disputes which are pending before the High Court are reaching final stages, it will not be appropriate to disturb that state of affairs. It is well known that preservation of property in its original condition is absolutely necessary to give appropriate reliefs to the parties on the termination of the proceedings before the courts and, therefore, we do not think that this is one of those cases in which it becomes necessary to disturb that state. [see: (2003) 4 SCC 1]

(xciii) That between April 14, 2003 and July 26, 2003, several objections were filed by the parties during the course of excavation by ASI. Thirty-two objections were filed by the Muslim Parties and two were filed on behalf of Nirmohi Akhara.

(xciv) That on August 22, 2003, the Archaeological Survey of India submitted its report in compliance of the Order dated March 5, 2003 passed by the Hon'ble High Court of Allahabad of Judicature at Lucknow in O.O.S. No. 4 of 1989 and stated inter alia:

> *"Now, viewing in totality and taking into account he archaeological evidence of a massive structure just below the disputed structure and evidence of continuity in structural in structure phases from the tenth century onwards up to the construction of the disputed structure along with the yield of stone and decorated bricks as well as mutilated sculpture of divine couple and carved architectural members including*

foliage patterns, amalaka, kapotapali doorjamb with semi-circular pilaster, broken octagonal shaft of black schist pillar, lotus motif, circular shrine having pranala (waterchute) in the north, fifty pillar bases in association of the huge structure, are indicative of remains which are distinctive features found associated with the temples of north India."

(Please see Running Volumes 83, 84 and 85)

(xcv) That in furtherance of the several objections filed by the parties to the report submitted by the Archaeological Survey of India. The Hon'ble High Court of Allahabad of Judicature at Lucknow *vide* order dated February 3, 2005 passed in O.O.S. No 1 of 1989/ O.O.S. No. 3/1989 and O.O.S. No. 5 of 1989 disposed of the objections to the report of the ASI on the ground that the ASI report shall be subject to the objections and evidences produced by the parties at the time of final decision of the Suit.

(xcvi) That on September 30, 2010, the Special Bench of the High Court *vide* three separate judgments decided the Suits in the following manner. Each of the Hon'ble Judges wrote a separate judgment. As per the said judgment:-

(a) OOS No. 4 of 1989 was dismissed as barred by limitation in view of the majority view of Hon'ble Mr. Justice Sudhir Agarwal and Hon'ble Mr. Justice D.V. Sharma.

(b) OOS No. 5 of 1989, was partly decreed as per the majority view of Hon'ble Mr. Justice S.U. Khan and Hon'ble Mr. Justice Sudhir Agarwal, whereby all three parties, namely the Muslim

side (i.e. Plaintiffs in OOS No. 4 of 1989), the Hindu side (i.e. the Plaintiffs in OOS No. 4 of 1989) and Nirmohi Akhara were joint title holders and entitled to 1/3rd portion each.

It was further clarified that the portion below the Central Dome be allotted to Hindu Parties while Nirmohi Akhara will be allotted the part which is shown by the words Ram Chabutra and Sita Rasoi in the map. The Muslim side was decreed to be entitled to some area of the Outer Courtyard and further the land available with the Government of India, acquired under the Ayodhya Act, 1993 was to made available to the successful parties so that all the three parties may utilize the area to which they are entitled to by having separate entry for egress and ingress so as to not to disturb each other's rights. **(Please see the publication of the said judgment by Malhotra Law House, Allahabad in 3 Volumes (2nd Edition 2016)**

(xcvii) That on September 30, 2010, the Hon'ble High Court passed two separate preliminary decrees in O.O.S. No. 4 of 1989 and O.O.S. No. 5 of 1989 vide Order dated September 30, 2010.

(xcviii) That on December 12, 2010, the Hon'ble High Court passed an order correcting various mistakes in the impugned judgements. The High Court vide another order of the same date after hearing the arguments of the parties and while reserving order on the draft decree prepared by the office of the High Court, inter alia modified its directions in respect of operation of status quo for three months from 30.09.2010 in the following terms;

"Learned counsels for the parties stated that the order of status quo passed by this Court vide judgement dated 30.09.2010 is going to expire by the end of this month and the proceedings of finalization of preliminary decree is likely to take some time. Therefore, it would be in the interest of justice that the order of extension be passed.

Considering the facts and circumstances, we direct that the status quo order passed vide judgment dated 30.09.2010 shall remain in operation until 15.02.2011 unless modified, vacated or is directed otherwise earlier."

(xcix) That on November 15, 2010, Civil Appeal being Civil Appeal Nos. 10866-10867 were filed before this Hon'ble Court.

(c) That on May 9, 2011, a two judge bench of this Hon'ble Court admitted the Civil Appeal being C.A. Nos. 10866-67 of 2010 and stayed the operation of the judgment & decree dated 30.09.2010. During the pendency of the appeal, the parties were directed to maintain status quo with respect to the disputed premises.

(ci) That, in the meanwhile, this Hon'ble Court issued several directions for summoning the digital record of the evidence and pleadings from the Allahabad High Court and for furnishing translated copies to the parties.

(cii) That on August 8, 2015, this Hon'ble Court allowed the Commissioner, Faizabad Division to replace the old and worn out tarpaulin sheets over the makeshift structure under which the idols were placed with new sheets of the same size and quality.

(ciii) That on December 5, 2017, this Hon'ble Court rejected the plea that the appeals against the impugned judgement be referred to a larger Bench in view of certain observations of the Constitution Bench in Dr. M. Ismail Faruqui v. Union of India (1994) 6 SCC 360.

(civ) That on March 14, 2018, this Hon'ble Court asked the Counsel for the Appellants, Dr. Rajeev Dhavan to address the court on whether the judgment in Dr. M. Ismail Faruqui v. Union of India (1994) 6 SCC 360 requires reconsideration by a larger bench.

(cv) That on September 27, 2018, the judgment was passed declining the reference to larger bench. The Majority Judgment was rendered by Hon'ble Mr. Justice Ashok Bhushan and the then Chief Justice- Hon'ble Mr. Justice Dipak Misra. The majority judgment, however, clarified that the reference to the status of the mosque was made in the context of vulnerability to acquisition by State. **(Please see 2018 SCC OnLine SC 1677)**

(cvi) Hon'ble Mr. Justice S. Abdul Nazeer disagreed that the questionable observations made in paragraph 82 of the judgment in Dr. M. Ismail Faruqui and Ors. v. Union of India and Ors. (1994) 6 SCC 360 were not relevant for deciding these appeals. Therefore, he took the view case had been made out for reference of these appeals to a Constitution Bench of this Court.

(cvii) That on January 8, 2019, this Hon'ble Court vide administrative order made pursuant to the provisions of Order VI Rule 1 of the Supreme Court Rules, 2013, the Chief Justice of India constituted a five judge Bench to hear appeals.

(cviii) That on January 10, 2019, the Registry of this Hon'ble Court was directed to inspect the records and if required, engage official translators.

(cix) That on February 26, 2019, this Hon'ble Court referred the parties to a Court appointed and monitored mediation to explore the possibility of bringing about a permanent solution to the issues raised in the appeals.

(cx) That on March 8, 2019, this Hon'ble Court constituted a panel of mediators comprising of (i) Justice Fakkir Mohamed Ibrahim Kalifulla, a former Judge of this Hon'ble Court; (ii) Sri Sri Ravi Shankar; and (iii) Mr. Sriram Panchu, Senior Advocate. The time granted to the panel was extended on 10.05.2019.

(cxi) That by August 2, 2019, since no settlement was reached, this Hon'ble Court directed the hearing to commence from 06.08.2019.

(cxii) That on August 6, 2019, hearing in the appeals commenced before this Hon'ble Court.

(cxiii) That on August 8, 2019, this Hon'ble Court passed order observing that while the hearings will proceed, if any parties desired to settle the dispute, it was open for them to move the mediators and place a settlement, if it was arrived at, before this Hon'ble Court.

(cxiv) That on October 16, 2019, final arguments were concluded in the hearing. Also, "Final Report of the Committee" was submitted by the Mediation Panel which did not reflect a final, binding and/or concluded settlement agreement.

(cxv) That on November 11, 2019, this Hon'ble Court passed the Impugned Judgment holding that since the Hindu parties had exclusive possession of the outer courtyard and the claims regarding possession of the inner courtyard were conflicting, the entire suit property, which had not been partitioned till date, be handed over to the Board of Trustees of a Trust which was to be set up by the Central Government within 3 months from the date of this judgment. Further this Hon'ble Court acknowledged that the Muslims were wrongly dispossessed from the mosque upon its desecration on December 22/23, 1949 and ultimately its destruction on December 6, 1992. Accordingly, in order to remedy the said wrong this Hon'ble Court, in exercise of its jurisdiction under Article 142 of the Constitution, directed that alternate land admeasuring 5 acres be allotted to the Sunni Central Waqf Board either by the Central Government or by the Government of Uttar Pradesh within the city of Ayodhya.

8. That aggrieved by the impugned judgment and final order dated November 9, 2019 the Review Petitioner is filing the present Review Petition in this Hon'ble Court on the following amongst other grounds:-

A. For that this Hon'ble Court failed to appreciate that there can be no lasting peace without justice and accountability. The Review Petitioner in this regard is relying upon the following quote by *M. Cherif Bassiouni* entitled as *Justice and Peace: The Importance of Choosing Accountability over Realpolitik* published in 35 Case W. Res. J. Int'l L. 191 (2003) which reads as follows: -

"Peace… is the restoration of justice, and the use of law to mediate and resolve intersocial and inter-personal discord. The pursuit of justice and accountability fulfills fundamental human needs and expresses key values necessary for the prevention and deterrence of future conflicts. For this reason, sacrificing justice and accountability for the immediacy of realpolitik represents a short-term vision of expediency over more enduring human values".

It is in this spirit that the Review Petitioner urges this Hon'ble Court to review the impugned judgment and order dated November 9, 2019 reported in 2019 (15) SCALE 1.

B. For that this Hon'ble Court ought to have appreciated that the present suits were filed in representative capacity and that the parties herein ought to be held responsible for the illegal acts of desecration and demolition of the Babri Masjid in 1934, 1949 and 1992 respectively.

C. For that this Hon'ble Court erred in supposedly providing restitution to the Muslims by directing the grant of five acres alternate land in exercise of its extraordinary jurisdiction under Article 142 of the Constitution of India. The same is also erroneous in view of the law of restitution as recognised under Section 144, Code of Civil Procedure, 1908. It is submitted that the Babri Masjid was demolished in brazen violation of multiple orders of this Hon'ble Court. Further, this Hon'ble Court has also confirmed the same in the impugned judgment by holding that the events of December 6, 1992 were an egregious violation of the rule of law. In such circumstances, complete justice under Article 142 and restitution of the illegality, can only be done by

directing the Central Government as well as the State of Uttar Pradesh for the reconstruction of the Babri Masjid. Therefore, this Hon'ble Court erred in wrongly applying Article 142 of the Constitution and the law of restitution.

D. For that this Hon'ble Court committed grave error in granting relief to a party who had not approached the Court with clean hands and indulged in repeatedly flouting the orders of this Hon'ble Court.

E. For that this Hon'ble Court committed an error apparent on record by decreeing a suit which had prayed for the Babri Masjid (which was still existing at the time of filing of Suit 5) to be razed down so that a temple of Lord Ram can be constructed in its place.

F. For that this Hon'ble Court has committed an error apparent on record by passing the impugned judgment and order directing for a temple to be built at the disputed land, which virtually amounts to a mandamus to destroy, because had the Babri Masjid not been illegally demolished on December 6, 1992, the execution of the present order would have required the destruction of an existing mosque to make space for a proposed temple.

G. For that this Hon'ble Court committed an error apparent by not awarding the disputed site to the Muslim parties despite noting that the claim of the Hindu parties were based on three outlining illegalities, i.e. in 1934 (damaging the domes of the Babri Masjid), 1949 (desecrating the Babri Masjid) and 1992 (demolition of the Babri Masjid). Further in addition to not granting the Muslim parties their due, this Hon'ble Court erred further when it directed allotment

alternate land of 5 acres, erroneously exercising its jurisdiction under Article 142 of the Constitution of India as it was neither pleaded or prayed for by any of the parties.

H. For that this Hon'ble Court noted three of the several illegalities committed by the Hindu parties, but committed an error apparent when it proceeded to not only condone the said illegal acts but to award the same by allotting the disputed site to the Hindu Parties.

I. For that this Hon'ble Court grossly erred in disregarding the settled and basic principle of law that no person should not be able to take advantage of his/her wrongful actions. It is submitted that a party approaching the court for any relief(s) whatsoever must come with clean hands. Accordingly, it is submitted that a cause of action which arises out of an illegality cannot be sustained in a civil suit.

J. For that this Hon'ble Court grossly erred in ignoring the settled principle of law i.e. *ex dolo malo non oritur actio* (no right of action can have its origin in fraud). The acts of the Hindu parties including but not limited to 1934 (damaging the domes of the Babri Masjid), 1949 (desecrating the Babri Masjid) and 1992 (demolition of the Babri Masjid) were not only serious violations of the law but amounted to a fraud on the Constitution of India. In such circumstances, no right whatsoever could have been claimed or sustained on the basis of such acts. In this regard, the Review Petitioner relies on the oft quoted dictum of Lord Mansfield in *Holman v Johnson* (1775) 1 Cowp. 341 at page 343:

"The principle of public policy is this; ex dolo malo non oritur actio. No Court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act. If, from the plaintiff's own stating or otherwise, the cause of action appears to arise ex turpi causa, or the transgression of a positive law of this country, there the Court says he has no right to be assisted. It is upon that ground the Court goes; not for the sake of the defendant, but because they will not lend their aid to such a plaintiff. So if the plaintiff and defendant were to change sides, and the defendant was to bring his action against the plaintiff, the latter would then have the advantage of it; for where both are equally in fault, potior est conditio defendentis." (See also *Kedar Nath Motani v Prahlad Rai and Ors.*, AIR 1960 SC 213 at para 14; *Immani Appa Rao and Ors. V Gollapalli Ramalingamurthi and Ors.*, AIR 1962 SC 370)

K. For that this Hon'ble Court erred in ignoring the settled principle of law i.e. *ex turpis causa non oritur actio* (from a dishonorable cause an action does not arise). In the present case, the cause of action of the Hindu parties arises from the illegal placing of the idol under the Central Dome on the intervening night of December, 22/23 1949. Despite agreeing that such ouster of Muslims was calculated to deprive them of their place of worship, this Hon'ble Court has committed an error apparent by validating such dispossession. (Please See *Narayanamma v Govindappa*, (2019) SCCOnline SC 1260)

L. For that this Hon'ble Court grossly erred in ignoring the settled principle of law i.e. *commodum ex injuria sua nemo habere debet* – a wrongdoer should not be enabled by law to take any advantage from his actions. This Hon'ble Court has at several places in the Impugned Judgment and Order dated November 9, 2019, admonished the illegal acts of the Hindu community. However, this Hon'ble Court has still proceeded to rely upon these wanton acts of trespass/destruction and on the basis of such acts awarded the title of the disputed site to the very party that indulged in such wrongful acts. By doing so, this hon'ble Court has permitted the Hindu parties to take benefit of their illegal actions which is also prohibited by settled rule *of nullus commodum capere potest de iniuria sua propria* (no man can take advantage of his own wrong). The dictum of this Hon'ble Court in *Indore Development Authority v. Shailendra*, (2018) 3 SCC 412 at page 511, is extremely relevant in this regard:

> *"It is a settled proposition that one cannot be permitted to take advantage of his own wrong. The doctrine commodum ex injuria sua nemo habere debet means convenience cannot accrue to a party from his own wrong. No person ought to have advantage of his own wrong. A litigant may be right or wrong. Normally merit of lis is to be seen on date of institution. One cannot be permitted to obtain unjust injunction or stay orders and take advantage of own actions. Law intends to give redress to the just causes; at the same time, it is not its policy to foment litigation and enable to reap the fruits owing to the delay caused by unscrupulous persons by their own actions by misusing the process of law and dilatory tactics."* (See also *Mrutunjay Pani v.*

Narmada Bala Sasmal, (1962) 1 SCR 290 at 291; *Kusheshwar Prasad Singh v. State of Bihar*, (2007) 11 SCC 447 at 451)

M. For that this Hon'ble Court erred in not appreciating that any relief whatsoever, granted in exercise of power under Article 142 cannot transgress any illegality.

N. For that this Hon'ble Court in Supreme Court Bar Assn. v. Union of India, (1998) 4 SCC 409 has held that Article 142 does not confer this Court with the jurisdiction to ignore the express substantive rights of the parties or to ignore express statutory provisions. In the present case the exercise of the power under Article 142 to allot the disputed site to the Hindu parties, comes in conflict with several statutory provisions in as much as it condones the acts of 1934 (damaging the domes of the Babri Masjid), 1949 (desecrating the Babri Masjid) and 1992 (demolition of the Babri Masjid). It further permits the Hindu parties to take the benefit of their own wrongs. Lastly, the impugned judgment by allotting Wakf Land for alternate purposes, comes in direct conflict with Section 104A of the Wakf Act, 1995.

O. For that this Hon'ble Court committed an error apparent when it held that the Hindus had exclusive and unimpeded possession of the outer courtyard.

P. For that this Hon'ble Court committed an error apparent when it observed that exclusive and unimpeded possession of the Hindus over the outer courtyard was evident from the prayers being offered by them at the Ram Chabutara, Sita Rasoi and Bhandara in the outer courtyard. It is submitted that while making the above observation,

this Hon'ble Court failed to take notice of the fact that the construction of Ram Chabutara in the outer courtyard was itself illegal and the same was ordered to be dug out by the authorities. [See Para 3 of the Written Statement dated December 22, 1885 at pages 1433/Vol. II of the High Court Judgment]

Q. For that this Hon'ble Court further erred in not considering that the right of the Hindus over these three places (i.e. the Ram Chabutara, Sita Rasoi and Bhandara) have been affirmed to be a prescriptive right by the Learned District Judge on March 18/26, 1886 and also subsequently by the Learned Judicial Commissioner on 2.9.1886. [Please see judgment dated March 18/26, 1886 at pages 42/4201 of Vol. III of High Court Judgment and the Order of the Judicial Commissioner dated November 2, 1886 at page 487 of the impugned judgment dated November 9, 2019]

R. For that this Hon'ble Court erred in relying upon the oral testimonies of Hindu witnesses stating that they used to pray at the grill-brick wall in reverence of the alleged grabh-griha (i.e. the place under the Central Dome). It is submitted that in a series of litigations concerning the disputed site, beginning from 1858 till the present proceedings it was never the case of the Hindu parties that the place under the Central Dome of the Babri Masjid was believed to be the birthplace of Lord Ram. In fact, all of these litigations beginning from 1858, concerned only the outer courtyard and never was any claim laid specifically on the place under the Central Dome of the Babri Masjid.

S. For that this Hon'ble Court erred in accepting the oral testimonies of the Hindu witnesses to conclude that the Hindus had always believed

the alleged garbha griha to be the birth place of Lord Ram. It is submitted even in the 1885 Suit, it was held pleaded by the Hindu parties that Ram Chabutara was being worshipped as the birthplace of Lord Ram. Accordingly, it was held that Ram Chabutra was the birthplace of Lord Ram. In such circumstances, this Hon'ble Court erred in relying upon the testimonies of Hindu witnesses, which were obviously given to justify the illegal act of placing the idol under the Central Dome. Needless to say, that had the belief regarding the birthplace of Lord Ram being under Central Dome been genuine, it would have definitely been reflected in these litigations, particularly in the 1885 suit. [Please see judgment dated March 18/26, 1886 at pages 42/4201 of Vol. III of High Court Judgment]

T. For that this Hon'ble Court erred in not appreciating that the entire case that the place under the Central Dome was being worshipped as the birthplace of Lord Ram was developed as an afterthought to justify the illegal desecration of the mosque. It is relevant to note that even in the Plaints filed in the present proceedings by the Hindu parties in Suit Nos. 1, 3 and 5 of 1989, it was not averred that the place under the Central Dome was worshipped as the birthplace of Lord Ram.

U. For that this Hon'ble Court erred in not appreciating that the case that the place under the Central Dome was worshipped as the birthplace of Lord Ram was created as an afterthought, in order to justify the illegal act of placing of the idol under the Central Dome on December 22/23.1949. This stand was substantiated by mere oral testimonies which were recorded as late as in the year 1999.

V. For that even if the testimonies of the Hindu witnesses are to be considered, it is submitted that a mere look at the Central Dome will not create any right(s) whatsoever in the same.

W. For that this Hon'ble Court erred concluding that opening of the Singh Dwar on the northern side of the Babri Mosque in 1877 depicted that the Hindu parties were in exclusive possession of the outer courtyard. It is submitted that when the Singh Dwar was directed to be opened on the north side, the Muslims challenged the opening of the said gate by filing an Appeal (Misc. Appeal No. 56). In this Appeal it was categorically stated that:-

i. Each place within the boundary wall of the mosque is the mosque.

ii. General principle is that the matters relating to masjid should be handed over to the Muslims while matters relating to the temple should be handed over to the Hindus. Thus the permission accorded to the defendants for opening the gate is in contravention of this basic principle.

iii. Previously also on 7.11.1873, an order was passed directing the Hindus to remove the idols. Therefore, when there is no permission to install idols, how can a right over the wall of the masjid be given to the defendants.

iv. On the door of the outer wall of the masjid, the word – Allah is engraved.

v. When the appellant himself had requested that he be permitted to open the said door on his own expenses and was ready &

willing to open the said door, in such circumstances, the defendants- belonging to other religion could not have been accorded permission to construct the door.

vi. The defendant with the intention of occupying, continues to indulge in several activities on the wall and on being restrained by someone, he becomes aggressive and is bent to fight with him. [See Vol. A-113 @ pgs. 39-40; Also at Pgs. 143-144/Vol. 87]

It is therefore clear that the Muslims objected to the opening of the Singh Dwar on the Northern side and even offered to open the said door on their own account. Further it has also been stated in this appeal that the Hindus were time and again trespassing into the boundary of the mosque, which attempts were constantly being resisted by the Muslims. This shows that the Muslim parties were in possession of the entire property and were asserting/defending their rights as and when the need arose. The opening of northern gate by the British in no way granted and/or recognised any rights whatsoever of the Hindu Parties.

X. For that this Hon'ble Court committed an error apparent on the face of record in observing that there was absence of any evidence to indicate any assertion of rights by Muslim Parties over the outer courtyard. It is submitted that the Muslim parties had always asserted and defended their rights as and when the need arose, which is evident from the following: -

i. *Case No. 884*, which concerned Nihang Singh Faqir who had trespassed into the Babri Mosque and affixed a flag therein. On December 10,1858, an order was passed recording that Jhanda (flag) was uprooted from the Masjid and the Faqir residing therein was ousted. **[Please see Pages 1370-71 @ Para 2325-2326/Vol. II of the High Court Judgment]**

ii. *Case 2: Case No. 223 filed on 5.11.1860 by Mir Rajab Ali*: This case concerned a small Chabootra which had been constructed in the graveyard adjacent to Babri Masjid by one Nihang. Initially, an application was filed on 5.11.1860, which was followed by another application on March 12,1861, wherein it was stated that stated that Imkani Sikh had illegally occupied the lands of the Muslims and had erected a chabootra without permission near Babri Masjid. On March 18,1861, Subedar tendered a report regarding the execution of an order dated 16.03.1861 wherein it was stated that not only has Imkani Sikh has been evicted from the Kutir (hut) but the hut has also been demolished. **[Please See Vol. A-113 @ pg. 30; Also at Pg.1713/Running Volume 11]**

iii. *Bairagis (Included in Case No. 223 already decided on 18.03.1861)* On 25.9.1866, an application was filed by Mohd. Afzal (Mutwalli Masjid Babri) against Tulsidas and other Bairagis, praying for demolishing the new Kothari which has been newly constructed by the Respondent for placing idols etc. inside the door of the Masjid where Bairagis have constructed a Chabootra. On October 12,1866, Deputy Commissioner, Faizabad passed an order, on the application of Mohd. Afzal (included in Case No. 223)

against Tulsi Das directing consignment of records. **[Page 1398 @ Para 2348/Vol. II of the High Court Judgment]**

iv. *Case 3: (Niyamat Ali and Mohd. Shah v. Gangadhar Shastri)*: On August 26,1868, an Order was passed by Major J. Reed Commissioner, Faizabad against the order dated 25.6.1868 passed by the Officiating Deputy Commissioner, Faizabad in the case of Niyamat Ali and Mohd. Shah Vs. Gangadhar Shastri. This case was filed by the Muslims against one Ganga Dhar alleging that he was encroaching on the North West Corner of the Masjid. The order dismissed the appeal as no encroachment was proved, however the following observations were made:-

a) The maps show that the house of Ganga Dhar touched the wall on the Masjid and nothing intervenes.

b) There could be no encroachment until the wall of the Masjid itself had been dug into, however it has not been alleged so.

c) Previous order of Commissioner Simsons dated 27.2.1864 directed that Hindus should not encroach on the boundaries of the Mosque and Chabutara. However, since no such encroachment has been proved, there is no reason to interfere. **[Please See Page 1931 @ Para 3406/Vol. II of the High Court Judgment]**

v. *Case 4: (Mohd. Asghar v. Government):* On February 22,1870, Plaint was filed by Mohd. Asghar (Mutawalli of Babri Masjid) praying to evict defendants (*Faqir*) from trees of *Imli*, (*Bagh Imli*), Khandhal and graveyard. On August 22,1871, an order was

passed, observing that possession of Plaintiffs over the tamarind trees was established, but right of ownership cannot be of the Plaintiffs as this is general graveyard and courtyard in front of the door of the Masjid Janamsthan. **[See Vol. A113 @ pg. 37; Also at Pgs. 115/Running Volume 87]**

vi. *Case 5: Placing of Idol on the Platform (Chabutara)*:

a) In November 1873, an Appeal was filed by Mohd. Asghar against placing of an Idol on platform of Janamsthan. **[Page 2540/ Vol. II of the High Court Judgment (11th line from the top)]**

b) On November 7,1873, an order was passed in the case of *Mohammad Asghar V Mahant Baldeo Das*, directing Mahant Baldev Das to remove the idol i.e. Charan Paduka which he failed to comply with. **[Page 1657 @ Para 2978/Vol. II of the Impugned Judgment]**

c) Subsequently, on November 10,1873, Baldeo Das was ordered in writing by the Deputy Commissioner to remove an image placed on the Janam Asthan platform. **[Para 2353 (Point No.3) @ Page 1409/Vol.II of the High Court Judgment]**

d) However, these orders were not complied with. **[See Vol. A 113 @ Pages 39-40 (At Page 40-Section 6); Also at Page 144 (section 6)/Running Volume 87 and Para 2563 @ Page No. 1513 of Vol. II of the High Court Judgment]**

vii. *Case No. 6- Appeal against the permission of opening of the Singh Dwar in 1877*

viii. *Case No. 7: Dispute regarding whitewash of the wall of the Mosque*

a) On November 2,1883 Sayyed Mohd. Asgar filed a case (being Case No. 19435) before Learned Assistant Commissioner stating that he is entitled to get the wall of the mosque white-washed but is being obstructed by Raghubar Das. [**Please See Vol. A-113 @ pgs. 69-72; Also at Pgs.83-85/Running Vol. 87]**

b) On January 22,1884, the Assistant Commissioner, Faizabad passed an order restricting Raghubar Das from carrying out repairs etc. in the inner as well as the outer part of the compound. **[Please see Page 1420 @ Para 2365/Vol. II of the High Court Judgment]**

ix. *Case No. 8: The 1885 suit*- In this case the Hindu parties pleaded that the Ram Chabutara was being worshipped as the birthplace of Lord Ram and that they be permitted to construct a temple on the same. The case of the Hindu parties was dismissed by the Learned Sub Judge on December 24,1885 and subsequently even the first appeal and second appeal were dismissed on March 18/26,1886 and November 2,1886 respectively. While the suit of the Hindu parties was dismissed, it was categorically held that Ram Chabutara was the birthplace of Lord Ram and that the Hindu

parties had very limited prescriptive rights over the Ram Chabutara, Sita Rasoi and Bhandara.

Y. For that this Hon'ble Court though appreciated that the Muslims were continuously offering Namaz at the Babri Mosque and noted that the last Friday Namaz took place on December 16,1949, it passed a contradictory direction when it directed that the inner courtyard alongwith the outer courtyard by handed over to the Hindu parties.

Z. For that this Hon'ble Court failed to appreciate that there could be only two possibilities, either the Muslims were having prescriptive rights over the disputed site or the Hindus were having prescriptive rights over the disputed site. It is submitted that right from 1858, there is documented evidence that the Hindu parties have been time and again been indulging in illegal acts of trespass over the disputed site. Each of these attempts were resisted by the Muslim parties and the Hindus were time and again reprimanded by the authorities. Further while dismissing the second appeal in the 1885 suit, the Learned Judicial Commissioner categorically noted that the rights of the Hindus over the disputed site were merely prescriptive. It is therefore clear that the rights of the Hindu parties were merely prescriptive while the entire mosque compound, i.e. the disputed structure, the inner courtyard and the outer courtyard were Wakf properties and therefore the rights of the Muslims were those of title and not merely prescriptive.

AA. For that this Hon'ble Court though observed that the only the acts subsequent to the annexation of Oudh in 1856 ought to be evaluated to decide the present dispute, however it goes on to consider

traveller's accounts and the ASI report, both of which concern the period prior to 1856.

BB. For that without prejudice to the foregoing, even if the situation prior to 1856 is considered, it can be clearly concluded that the entire disputed site, particularly the inner courtyard was in exclusive possession of the Muslim parties. This is evident as:-

i. The Babri Masjid was built under the command of Babur in the year 1528. This fact has been accepted by even the Hindu parties, as mentioned in para 68 of the Impugned Judgment.

ii. From 1528 till 1856:- During this period Oudh was under Muslim rule (Mughal/Nawab) and thus, *namaz* was being offered continuously at the Babri Mosque.

iii. There is indirect record, in the form of Register of Enquiry, available to show the grant made by Emperor Babur. It is relevant to note that the Register of Inquiry of rent free land dated March 14,1860, records that Emperor Babar granted revenue grant of Rs. 302/3/6 for meeting the expenses of salary of Khatib and Muezzin. [See Vol. A 113 @ pgs. 1-4; Also at. 30-33/Running Volume 3]

CC. For that this Court committed an error apparent on record when it failed to appreciate that the British government recognised the title of the Muslim parties when it continued the grant (cash Nankar of Rs. 302/3/6) which had originally been granted by Emperor Babur for meeting the expenses of salary of Khatib and Muezzin. It is submitted that this Hon'ble Court committed an error apparent on record when it

rejected the said grant on the basis that there was no enquiry conducted by the British Government. It is submitted that copy of the certificate of grant which bears the seal of the Chief Commissioner, records that- *"It having been established after due inquiry that Rajjab Ali and Mohd. Asghar received a Cash Nankar of (Rs. 302-3-6) Rupee Three Hundred and two three annas six pie from Mauza Shahanwa District Fyzabad, in rent free tenure under the former Government. The Chief Commissioner, under the authority of the Governor General in Council is pleased to maintain the grant for so long as the object for which the grant has been made is kept up on the following conditions….."*. It is submitted that when the Certificate of grant itself records that the grant is being continued after due inquiry has been conducted, this Hon'ble Court erred in observing otherwise on the basis of mere allegations of the Hindu parties. [**Please see certificate of grant at Pages 1379-80 @ Para 2335/Vol. II of the High Court Judgment]**

DD. For that this Hon'ble Court erred in not considering that this certificate of grant, on a bare perusal, shows that the grant originally given by Emperor Babur was being continued by the subsequent governments until the annexation of Oudh by the British. Further, the grant was continued so long as the object of the grant was maintained. As mentioned above, the Register of Inquiry of rent-free land dated March 14,1860, recorded that the purpose of the grant was to meet the expenses of salary of Khatib and Muezzin. It is relevant to note that a Muezzin is the person who gives a call for namaz, which shows that the namaz was being continuously offered since 1528, or else the

grant whose purpose was to meet the salary of the Muezzin would not have been continued.

EE. For that the possession and use by the Muslims from the period of 1856-1949 is evident as:-

a) British Government continued the grant originally given by Emperor Babur for meeting the expenses of salary of Khatib (Imam, Prayer Leader) and Muezzin. Needless to say, that the grant would not have been continued if namaz was not being continuously offered at the Babri Masjid.

b) The grill brick wall installed in 1856 ensured that the Hindus who had been trespassing into the masjid compound, exercise their easementary rights only in the outer courtyard, while Muslims could exercise their exclusive rights of title over the entire property, with exclusive possession of the inner courtyard.

c) Further, after the 1934 riots, an Order was passed on May 12, 1934 the Mohammadans were permitted to start the work of cleaning of Babri Mosque from Monday i.e. May 14, 1934, so that it could be used for religious purposes. **[See Convenience Compilation @ Page 19; Also at Page 124/Running Vol.3]**

d) Agreement for payment of salary to Pesh Imam and a subsequent application to the Wakf Commissioner regarding the same showed that continuous Namaz was being offered, as no need for payment of Pesh Imam would have arisen during 1936-1938 if no prayers were happening, since the Pesh Imam

is the one who leads prayers. [Please see **Vol. A113 @ pgs. 107-108; Also at Pgs. 26-27/Running Vol. 3 and see Vol. A113 @ pgs. 109-110; Also at Pgs. 137-138/Running Vol. 3]**

e) In the judgment dated March 30,1946, passed in the title suit no. 29/1945 between Shia and Sunnis, it has been recorded that both Shias and Sunnis were offering Namaz at the disputed site. **[Pages 4202-4208/Vol. III of the High Court Judgment]**

FF. For that this Hon'ble Court erred in observing that installation of the grill brick wall was to recognize the rights of the Hindus leading to their exclusive possession in the outer courtyard. It is submitted that the grill brick wall was installed to maintain peace between the communities, one of which had title to the property, while the other community had mere prescriptive rights.

GG. For that this Hon'ble Court erred in not considering that on December 24,1885, the Learned Sub Judge had also given a finding that the after the grill brick wall was installed, the Hindus worshipped outside while the Muslims worshipped inside, and that after such grill brick wall was installed, the Chabutara belonged to the Hindus. It is submitted that this finding was categorically reversed in the First Appeal decided on March 18/26, 1886. Further, in the Second Appeal, the Learned Judicial Commissioner in his judgment dated November 2,1886, clarified that the rights of the Hindus were 'very limited prescriptive rights'. Needless to say, had the installation of grill brick wall conferred any more right than those of easement to the Hindus, the same would have been recorded by the Courts.

HH. For that this Hon'ble Court erred in not appreciating that the 1885 suit was filed mainly against the State. It is relevant to note that the stand of the State in this case was that the Hindus had no right to the remedies claimed by them. Needless to say, that had the installation of the grill brick wall by the British in 1856 been to recognise the alleged rights of the Hindus, the same would have been pointed out by the State. The proceedings of the 1885 suit show that while the Muslim parties were owners of the entire masjid compound, the Hindu parties were exercising easementary rights at some portions in the outer courtyard. These proceedings further affirm the fact that the installation of grill brick wall was only for the purpose of ensuring peace between the communities and not for elevating the limited prescriptive rights of Hindus to those of exclusive possession or of title.

II. For that this Hon'ble Court erred in observing that the Hindus had exclusive possession over the outer courtyard, while the inner courtyard was a matter of continuous dispute. It is submitted that all the litigation relating to the disputed site was concerning the outer courtyard until Suit No. 1 of 1989 was filed in January 1950. The only two exceptions to this were, the incident of construction of Chabutara admeasuring 4 fingers in November 30,1858 and the damage to the domes of Babri Masjid in 1934. Regarding the incident of construction of Chabutara by Nihang Sikh, it is relevant to note that the order was passed on December 5, 1858 whereby he was ousted from the Masjid and the flag affixed by him was uprooted. Further, as far as the riots of 1934 are concerned, this Hon'ble Court in para 781 (vi) has been wrongly observed that those riots were indicative of serious

contestation regarding the inner courtyard. It is submitted that the riots of 1934 were not a result of the dispute regarding the inner courtyard but were due to an incident of 'cow slaughter' as mentioned in para 26 of the plaint in Suit 5. Thus, it is submitted that these two isolated incidents in no way show that the inner courtyard was the subject matter of continuous dispute between the communities, nor do these isolated incidents establish that Hindus had any semblance of right over the inner courtyard.

JJ. For that this Hon'ble Court erred in observing that the Hindu parties asserted rights over the inner courtyard based on the incident of construction of Chabutra Nihang Sikh. It is submitted that the said incident was reported by the Muslim parties by filing a complaint on November 30,1959 and in furtherance of the said complaint, Nihang Sikh was evicted from the Masjid and the flag affixed by him was uprooted. Thus, an illegal act of trespass, which was reprimanded by the Government authorities recgonising the rights of the Muslim community can hardly be said to be an assertion of right by the Hindus.

KK. For that this Hon'ble Court erred in observing that the Hindu parties kept on asserting their rights over the inner courtyard despite the installation of the grill brick wall, based on the 1934 riots wherein parts of the domes of Babri Mosque were destroyed. It is submitted that wanton acts of destruction, such as the ones in 1934, for which fine was imposed upon the members of Hindu community, can hardly be equated to an act of assertion of rights of title and/or possession over the inner courtyard.

LL. For that this Hon'ble Court erred in not considering that the inner courtyard was in the exclusive possession of the Muslim parties and that the assertions of claims by the Hindu parties was limited to certain portions in the outer courtyard, which also had been declared by the Courts to be in the nature of mere prescriptive rights. It is therefore submitted that the Hindu parties cannot even be said to be in possession of the Outer courtyard, let alone the exclusive possession.

MM. Further the exclusive possession of the Muslim parties over the disputed site is evident from the written statement filed by the State of Uttar Pradesh in Suit No. 1, wherein it has been categorically stated that the property in suit is known as Babri Mosque, and it has, for a long period has been used as a mosque for the purpose of worship by Muslims; It has not been used as temple of Shri Ram Chandra Ji. [Please see **Para 12 @ Page 25, Running Volume 72; Para 12 @ Page 33/ Running Volume 72]**

NN. That this Hon'ble Court erred in holding that Suit No. 5 was within limitation. It is relevant to note that at the time of institution of Suit 5, a suit by the Shebait i.e. the Nirmohi Akhara was already pending. In fact, in the plaint of Suit 5, in para 31 it has been categorically stated that the pendency of the previous suits may prove to be a hindrance to the institution of suit 5. It is not the case of the Plaintiffs in Suit 5 that they were unaware of the previous facts and suits, however it is their pleaded case that the filing of Suit 5 became imperative due to the delay in the hearing and disposal of the previous suits. It is therefore submitted that a case based on 'impatience' ought to be

dismissed at the threshold as ‘impatience’ can never be a cause of action.

OO. For that this Hon’ble Court erred in not considering that the Suit 5 did not have a valid cause of action. As per para 36 of the Plaint, it has been stated that the cause of action arose when the plans of temple construction at the disputed site were obstructed by violent action from Muslim fundamentalists. It is submitted that at the time of filing of Suit 5, the entire disputed property was in the possession of the receiver, therefore there could not have been any construction nor could there have been any obstruction as alleged. Further if a mere plan to construct the temple was opposed by Muslim Parties, then the suit was premature. Therefore, in both these circumstances, the Suit No. 5 ought to have been dismissed as there was no real cause of action and a suit based on an illusory cause of action was not maintainable.

PP. For that this Hon’ble Court erred in considering the accounts of travelers despite observing that the only the acts subsequent to the annexation of Oudh in 1856 ought to be evaluated to decide the present dispute, however it goes on to consider Traveller’s accounts and the ASI report, both of which concern the period prior to 1856.

QQ. For that this Hon’ble Court erred in concluding that the account of Tieffenthaler indicated the existence of the faith and belief of the Hindus that the disputed site was the birthplace of Lord Ram. It is submitted that Tieffenthaler mentioned a bedi (craddle) and stated that it was on this where Beshan (Vishnoo) was born in the form of Ram. Pertinently, this Bedi was situated at the Ram Chabootara and

this fact has been admitted by the witnesses of the Hindu parties. **[See testimony of DW 3/18 at Page 10663/ Running Vol. 58]**

RR. For that this Hon'ble Court erred in concluding that the account of Tieffenthaler indicated the existence of the faith and belief of the Hindus that the disputed site was the birthplace of Lord Ram and the historical presence of the worshippers therein. It is submitted that the account of Montgomery Martin as reproduced in para 562 of the judgment doubts the entire story of an earlier temple being built by King Vikaramaditya.

SS. For that this Hon'ble Court ought to have read the accounts of travelers with circumspection and ought to have appreciated that the entire theory about the birth place of Lord Ram being in or around the disputed site was only hearsay for the travelers. However, what the travelers actually noticed was an actual mosque standing at the disputed site. It is submitted that almost all travelers i.e. Tieffenthaler, Montgomery Martin, Edward Thornton, Carnegi, W.C. Benett, A.F. Millet, Balfour, A. Fuhrer, Nevill and Hans Baker have themselves seen the Babri Mosque at the disputed site. In any event, notwithstanding the foregoing, any reliance on the accounts of travelers is misplaced as travelers only tell stories.

TT. For that this Hon'ble Court failed to appreciate that the using the remnants of a previous structure to construct a mosque does not lead to the conclusion that the previous structure was in fact destroyed, particularly when the ASI in its report has refrained from making any specific observation about such destruction (despite that being the direct question which was put to it). Without prejudice to the foregoing,

even if it is admitted that a temple was destroyed to erect the Babri Mosque, this Hon'ble Court has rightly noted that this Court cannot correct historical wrongs and thus the alleged destruction would have no bearing on the adjudication of the rights of the parties in the present case.

UU. For that in any event there was an intervening period of almost 4 centuries between the structure discovered by ASI and the construction of Babri Mosque. This time gap as has been rightly noted by this Hon'ble Court has not been explained by the Hindu parties. Further, as noted by this Hon'ble Court a finding of title cannot be based on archaeological findings. Additionally, the ASI report was concerned with the period even before 1528 and as observed by this Hon'ble Court in order to determine the rights of the parties in the present case, only the events subsequent to 1856- when Oudh was annexed by the British ought to be considered. In view of the foregoing, it is submitted that the ASI report is irrelevant for the adjudication of the present dispute and the findings rendered therein ought to be disregarded for the purposes of the present case.

VV. For that though this Hon'ble Court noted the illegal acts committed by the Hindu parties in 1934,1949 and 1992, it committed an error apparent and proceeded to not only condone the said violations, but also award them by decreeing the suit of the very parties who indulged in such serious violation of the rule of law.

(i) For that this Hon'ble Court further condoned a series of illegal acts of the Hindu parties, which are as follows:

(ii) Preventing, and indeed flaunting that they prevented/harassed the Muslims when they went to offer Namaz in the Babri Mosque.

(iii) Destroyed part of the Babri Mosque in 1934, for the repairs of which fine was imposed on Hindus.

(iv) Criminal trespass in the Mosque.

(v) Desecration of the mosque on December 22/23,1949.

(vi) Complete defacement of the entire mosque by putting of vermillion on all pillars.

(vii) Photos were hung inside the Babri Mosque (Cf. Photos of 1950 & 1990) – even though the mosque was in the charge of the receiver.

(viii) Using the mosque for sleeping.

(ix) Tampering of evidence relating to inscriptions

(x) Demolition of the mosque on December 6,1992 in utter violation of the status quo orders of this Hon'ble Court and the ensuing violence

WW. For that this Hon'ble Court erred in not appreciating that the Babri Mosque was a Wakf property. It is submitted that this Hon'ble Court has itself noted at para 68 of the Impugned Judgment, both Hindus and Muslims were in agreement on the fact that the Babri Mosque was built in 1528, by or on behest of Emperor Babur. In such

circumstances, it is incomprehensible that the king would order a mosque to be constructed without a valid dedication as Wakf.

XX. For that as mentioned above, the Muslims were using the Babri mosque continuously to offer namaz and therefore, alternatively, the said mosque was a Wakf by user.

YY. For that this Hon'ble Court in rejecting Wakf by user of the Babri Masjid by taking a narrow and pedantic view of the performance of namaz. This is in teeth of the law laid down by this Hon'ble Court in *Syed Mohd. Salie Labbai v. Mohd. Hanifa, (1976) 4 SCC 780,* para 34 qua requirement of namaz for a mosque to be a public Wakf:

> *"As Islam is an extremely modern and liberal religion, there is no question of any person being denied admission in a mosque for the purpose of offering prayers and that is why the law is so strict that the moment a person is allowed to offer his prayers in a mosque, the mosque becomes dedicated to the public. Finally, it is not necessary for the dedication of a public mosque that a mutawalli or a Pesh imam should be appointed which could be done by the members of the Muslim community. All that is necessary is that there should be a declaration of the intention to dedicate either expressly or impliedly and a divestment of his interest in the property by the owner followed by delivery of possession. Here also the delivery of possession does not involve any ritual formality or any technical rule. For instance in the case of a mosque if the Mahomedans of the village, town or the area are permitted to offer their prayers either on the vacant land or in a mosque built for the said*

purpose that amounts to the delivery of possession and divestment and after the prayers have been offered the dedication becomes complete."

It is clear from this judgment that the after the construction of a mosque, even if one person performs namaz in it, it becomes a public Wakf. It is incomprehensible that subsequent to the construction of the Babri Masjid in 1528 there was not a single person who performed namaz in it. In such circumstances, this Hon'ble Court erred in holding that there was no namaz in the Babri Masjid before 1856 and hence it is not a Wakf property.

ZZ. For that this Hon'ble Court grossly erred in disregarding the Islamic inscriptions on the Babri Masjid as evidence of dedication of the mosque as a public wakf. It is submitted that the Islamic inscription stating that the Masjid was built by the command of Emperor Babar was a clear evidence that there was a valid dedication and that the disputed structure was constructed with the intention of creating a public wakf which would be used for namaaz as a mosque. In such circumstances, this Hon'ble Court erred in holding that there was no valid dedication of the mosque and hence it was not a wakf property.

AAA. For that this Hon'ble Court erred in allotting alternate land admeasuring 5 acres to the Muslim parties, which was neither pleaded nor prayed for by the Muslim parties.

BBB. For that this Hon'ble Court has committed error apparent by appreciating evidence unevenly and has wrongly evaluated the

preponderance of probabilities, which on the face of it is contrary to record.

CCC. For that this Hon'ble Court grossly erred in disregarding the rule of presumption under Section 114 of the Evidence Act, 1860 on the question of namaaz in the Babri Masjid between 1528-1856. Under the said provision, the Court may presume the existence of events which are likely to have happened in the common course of natural events, human conduct and public and private business. It is submitted that once the Babri Masjid was constructed in 1528, it was in the common course of natural events and human conduct that the Muslims started praying in the mosque. A mosque is a place for namaaz and hence it is inconceivable that a prominent mosque constructed over an area of 1500 square yards was not used for namaaz at all during the Muslim rule between 1528-1856 and suddenly began to be used as such after the annexation by the British. In such circumstances, the entire finding falls foul of the rule of presumption under Section 114 of the Evidence Act, 1860 and is an error apparent on the face of the record. It is further submitted that Section 114 of the Evidence Act, 1860 should have been the guiding principle in determining the title to the disputed site on a preponderance of probabilities.

DDD. For that the uneven appreciation of evidence is apparent from the fact that the following witnesses of the Hindu parties have been relied upon by this Hon'ble Court as the sole evidence of the fact that the place under the Central Dome was the birthplace of Lord Ram :-

a. The testimony of OPW1 has been believed to be true despite the fact that he stated that the whole of the Parikrama was under the Garbh Grih (See page 37/Volume 16) when in fact the in Para 23 of the Plaint in Suit 5 it has been stated that the Hindus were forbidden access to the inner courtyard (See Para 23 @ page 245/Volume 72)

b. The testimony of OPW2 whose testimony has been relied upon by this Hon'ble Court in Para 516-518 of the impugned judgment to reach the conclusion that Hindus considered that the Garbh Grih located inside the Babri Masjid was believed by the Hindus to be the birthplace of Lord Ram, has himself stated that:

- His belief was based on hearsay. (pgs. 448-449/Vol. 17)
- Some Hindus believed that the Janamsthan Temple on the northern side was the birthplace of Lord Ram. (pg. 407/Vol. 17)
- He was unable to recall as to which deity's idol was kept at the Garbh Grih when he visited the disputed site in 1984-85. (Pg. 394/Vol. 17)

c. OPW4 stated that during 1934-38, he worshipped from outside the locked gate but could see a photo of Lord Ram which was hung on a wall inside (Para 519 at pg. 610 of the impugned judgment). His testimony has been believed by this Hon'ble Court despite the fact that when namaz was continuing in the Babri Masjid, no photo whatsoever could have been hung on any part of the disputed structure. Further, his testimony was believed inspite of the fact that he was unable to identify if any of the

pictures shown to him were related to the disputed site. (pgs. 827-829/Vol. 19)

d. The testimony of OPW5 about the worship at Garbh Grih is the same person has been believed despite the fact that he was unable to identify more than 50 photographs of the disputed site. In fact, upon seeing one picture of the disputed site, he statee that the grill-brick wall was inside the disputed structure. Further, he was also unable to recognize whether the pillars belonged to the disputed structure at all. (See pgs. 889-900/ Vol. 19.) Furthermore, he has stated that in 1990, a single monkey caused the demolition of the entire disputed structure (Pg. 906-907/Vol. 19).

e. The testimony OPW6 was believed despite the fact that he was unable to identify over 10 photos of the disputed site (Pg. 1037-1040/Vol. 20). Further, he stated in 1934, some fish incarnation destroyed the entire building (Pg. 1041/Vol. 20).

f. The testimony of OPW 7 has been believed despite the fact that, on one hand he stated that there were idols of Gods and Godesses inscribed on the Kasauti pillars but when he was shown pictures of the pillars he stated that no human image, image of any gatekeeper or of any God/Goddess was visible on the pillars. [Pgs. 1176/Vol. 20] He further stated that he believed that Hanuman Ji had motivated people for demolition of the disputed building and that he would not be able to tell whether Hanumanji knew about the *status quo* imposed by the Hon'ble Supreme Court. [Pg. 1205/Vol. 20]

g. The testimony of OPW 12 regarding the belief that Lord Ram was born under the Central Dome was believed to be true despite the fact that in his cross examination he had stated that Lord Ram was born at the Chabutara [Pg. 2295/Vol. 25]. Further he has himself stated that his memory had become weak for the last 5-6 years. My memory is not sound. [Pg. 2293/Vol. 25]

h. The testimony of OPW 13 regarding the belief that Lord Ram was born under the Central Dome was believed to be true despite the fact that he himself admitted that when 'Allah' was written on the wall it could not have been the wall of the temple [Pg. 2335/Vol. 25].

EEE. For that the testimonies of the Hindu witnesses were accepted despite the fact that they were unable to identify any pictures of the disputed site, however the testimonies of the Muslim witnesses were rejected due to flimsy reasons which did not concern the issue in relation to which they were deposing, this is evident from the following:-

a) Testimony of PW1 was rejected as he was unable to re-collect as to what age he had mentioned in the affidavit he filed with the 1986 Writ Petition, which was filed after the opening of the locks and also because he was unable to remember the date of his two marriages. (Para 705 of the Impugned Judgment)

b) Testimonies of PW 2, PW 3 and PW 4 were also rejected because of minor discrepancies in their age.

c) Testimony of PW 14 is rejected as he is unable to tell the boundaries of the disputed site in detail. [Para 716 of the Impugned Judgment]

FFF. For that the uneven appreciation of evidence is apparent from the following:-

Particulars	Evidence of Hindu Parties that Lord Ram was believed to have been born under the Central Dome	Evidence of Muslim parties that the Babri Mosque was wafk property and had been continuously used by Muslims to offer Namaz
Nature of Evidence	Oral Evidence	Documentary and Oral Evidence
Appreciation of Oral Evidence	Testimonies of Hindu witnesses accepted despite:- • They were unable to identify any pictures of the disputed site. • They stated Monkey/fish incarnation demolished the Babri Masjid • They were unable to prove their statement regarding the belief that Lord Ram was born under the Central Dome, and admitted that Lord Ram was born at the Chabutara. (OPW 12)	Testimonies of Muslim Witnesses rejected because:- • Minor discrepancies in their age • Inability to remember the date of their marriage • Inability to describe boundary of the disputed site in detail.

	• They stated that their belief was based on hearsay. • They stated that a wall where 'Allah' was written could not have been the wall of a mosque	
Documentary Evidence	None, except travelers and ASI, both of which documents pertain to period prior to 1856 and are irrelevant for the adjudication of the present dispute.	• Indirect record of grants by Babur, due to the record of the same in Register of Enquiry. • Continuance of the grant by the British Government, when the purpose of the grant was to pay salary to Muezzin – who gives the call for prayer. *This document was disregarded on the allegation that no enquiry was conducted before continuing the grant, despite the certificate of grant itself noting that the grant was being given after due enquiry.* • Agreements regarding payment of salary to Pesh Imam-

		who leads the prayers. • Orders in 1934 to clean the masjid and resume its use for religious purposes. • Testimony in the 1945 Shia-Sunni suit that namaz was being offered in the Babri Mosque.

GGG. For that this Hon'ble Court erred in considering the fact of *parikrama* in adjudicating the present title dispute, particularly when this Hon'ble Court has itself accepted that method of offering worship unique to one religion cannot result in conferral of an absolute title to the parties from one religion over parties from another religion.

HHH. For that this Hon'ble Court committed an error apparent in granting title on the basis of oral testimonies in complete disregard to the documentary evidence, which was contemporaneous. Such an approach is contrary to the settled principles of law which require precedence to be given to documentary evidence over oral evidence. [Please see *Harihar Prasad Singh v. Balmiki Prasad* (1975) 1 SCC 212 at para 21 ; *Mahant Bhagwan Bhagat v. G.N. Bhagat* (1972) 1 SCC 486 at pg. 490]

III. For that since the matters before this Hon'ble Court wherein the impugned judgment has been passed arose out of first appeal it is submitted that the same must have a bearing on the present Review Petition.

9. That the Review Petitioner states that he has not filed any other Review Petition in this Hon'ble Court seeking review of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-67 of 2010.

10. It is respectfully prayed that this Hon'ble Court may be pleased to: -

PRAYER

a) allow the Review Petition seeking review of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-10867 of 2010; and/or

b) pass such other/further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE REVIEW PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

Drawn & Filed by:-

EJAZ MAQBOOL
Advocate for the Review Petitioner

Drafted on: 14.11.2019

New Delhi
Filed on: 02.12.2019

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. SIDDIQ (D) THR. LRS. … REVIEW PETITIONER

-VERSUS-

MAHANT SURESH DAS & ORS. ETC. ETC. … RESPONDENTS

CERTIFICATE

"Certified that the Present Review Petition is the first application for the review of the impugned judgment and final order dated November 9, 2019 and it is based on the grounds admissible under the Rules. No additional facts, documents or grounds have been taken therein or relied upon in the Review Petition which was not part of the Special Leave Petition earlier.

Filed by:

EJAZ MAQBOOL
Advocate for the Review Petitioner

New Delhi
Dated: 02.12.2019

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. SIDDIQ (D) THR. LRS. … REVIEW PETITIONER

-VERSUS-

MAHANT SURESH DAS & ORS. ETC. ETC. … RESPONDENTS

AFFIDAVIT

I, Maulana Syed Ashhad Rashidi, S/o. Maulana Syed Rashiduddin Hamidi, aged about 48 years, President, Jamiat Ulama-i-Hind, Subhash Marg, Ahata Shaukati Ali, Lucknow, Uttar Pradesh, presently at Moradabad, do hereby solemnly affirm and state as under:-

1. That I am the President, Jamiat Ulama-i-Hind, Uttar Pradesh in the above mentioned Review Petition and as such I am well conversant with the facts and circumstances of the case and competent to swear the present Affidavit on my own behalf.
2. That I have gone through a copy of the Synopsis and List of Dates running from pages B to HHH and a copy of the Review Petition from paragraphs 1 to 10 running from pages 1 to 93 and I state that the contents thereof are true and correct to my knowledge and belief.
3. That I have gone through copies of the Interlocutory Applications and state that the contents thereof are true and correct to my knowledge and belief.
4. That the annexures annexed to the present Review Petition are true and correct copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Moradabad on this 16th day of November, 2019 that the contents of the above Affidavit are correct and true to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I. A. NO. OF 2019

IN

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. Siddiq (D) Thr. Lrs. … Applicant/Review Petitioner

-VERSUS-

Mahant Suresh Das & Ors. Etc. Etc. … Respondents

APPLICATION FOR PERMISSION TO FILE LENGTHY LIST OF DATES

To,

Hon'ble the Chief Justice of India
and his companion judges of the
Supreme Court of India.

The humble application of the above named Applicant/Review Petitioner:

MOST RESPECTFULLY SHEWETH :

1. That the Applicant/Review Petitioner above named is filed the present Review Petition in this Hon'ble Court under Article 137 of the Constitution of India seeking review of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-10867 of 2010.

2. That the Applicant/Review Petitioner submits that the present petition involves series of events starting from the year 1528 till the impugned judgment and order was passed by the Constitution Bench of this Hon'ble Court of November 9, 2019. The Applicant/Review Petitioner has to take all

the relevant dates for filing the present Review Petition and therefore it has become very lengthy and consists of 59 pages. The Applicant/Review Petitioner is seeking permission of this Hon'ble Court to file the Synopsis and List of Dates containing 59 pages from B to HHH.

3. That the Applicant/Review Petitioner submits that the facts narrated in the Synopsis and List of Dates are necessary for proper adjudication of the present Review Petition and, therefore, the Applicant/Review Petitioner is seeking the permission of this Hon'ble Court to file the Synopsis and List of Dates containing 59 pages from B to HHH and file the Synopsis and List of Dates to detail all the necessary dates and events.

4. The Applicant/Review Petitioner states that the present Application is being filed *bona fide* and in the interests of justice.

5. That the Applicant/Review Petitioner, therefore, most respectfully pray: -

PRAYER

(a) permit the Applicant/Review Petitioner to file Synopsis and the List of Dates containing 59 pages from B to HHH; and/or

(b) pass such other and further order(s) as this Hon’ble Court may deem just and appropriate in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT/REVIEW PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:-

EJAZ MAQBOOL
Advocate for the Applicant/Review Petitioner

New Delhi
Dated: 02.12.2019

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I. A. NO. OF 2019

IN

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. Siddiq (D) Thr. Lrs. … Applicant/Review Petitioner

-VERSUS-

Mahant Suresh Das & Ors. Etc. Etc. … Respondents

APPLICATION FOR EXEMPTION FROM FILING THE TYPED COPY OF THE IMPUGNED JUDGMENT AND ORDER PASSED BY THIS HON'BLE COURT DATED NOVEMBER 9, 2019 AND ALSO THE JUDGMENT AND ORDER PASSED BY THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH DATED SEPTEMBER 30, 2010 AND THE RELEVANT DOCUMENTS WHICH ARE ALREADY ON RECORD BEFORE THIS HON'BLE COURT

To,

Hon'ble the Chief Justice of India
and his companion judges of the
Supreme Court of India.

The humble application of the above named Applicant/Review Petitioner

MOST RESPECTFULLY SHEWETH:

1. That the Applicant/Review Petitioner above named is filed the present Review Petition in this Hon'ble Court under Article 137 of the Constitution of India seeking review of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-10867 of 2010.

2. That the Applicant/Review Petitioner is not filing the typed copy of the impugned judgment and order dated November 9, 2019 passed by this

Hon'ble Court as the same has been printed in a book form in scale and the citation of the same is 2019 (15) SCALE 1 and the entire book is being filed as Annexure P-1 to the accompanying Review Petition.

3. That the Applicant/Review Petitioner submits that the above mentioned Civil Appeals and other connected matters have been disposed of by this Hon'ble Court by its judgment and order dated November 9, 2019. The Applicant/Review Petitioner humbly submits that all the documents which were on record before this Hon'ble Court be taken as part of forming part of the present Review Petition.

4. That during the hearing of the Civil Appeals before the Constitution Bench of this Hon'ble Court that judgment and order passed by the Hon'ble High Court dated September 30, 2010 was relied upon on the publication of the said judgment by Malhotra Law House, Allahabad in 3 Volumes (2nd Edition 2016) and the Applicant/Review Petitioner would rely upon the said volumes as forming part of the present Review Petition.

5. That the Applicant/Review Petitioner submits that in the Civil Appeals the List of Pleadings and Documents were serially numbered as volume numbers 1 to 150 which are in the record of the Civil Appeals. The Applicant/Review Petitioner would rely upon the said volumes as forming part of the present Review Petition. A copy of the List of Pleadings/Documents on record before this Hon'ble Court in the Civil Appeals is annexed hereto and marked as **Annexure P-2 [Page Nos. 102 to 118]** to this application.

6. That the Applicant/Review Petitioner submits that during the course of final hearing of the Civil Appeals the documents which were tendered on

behalf of the Senior Advocates/Advocates by both the parties were numbers as A series documents and the final list goes from A1 to A145 and the Applicant/Review Petitioner would pray that the said documents the treated as forming part of the present Review Petition. A copy of the List of A series documents which were tendered during the course of the final hearing by the Senior Advocates/Advocates is annexed hereto and marked as **Annexure P-3 [Page Nos. 119 to 139]** to the present application.

7. That the Applicant/Review Petitioner is filing the present application to avoid the duplication of documents for filing of the present Review Petition and to avoid filing of bulk of documents which will un necessarily burden the record of this Hon'ble Court.

8. This application is being filed to avoid the filing of the huge paperwork for the purposes of present Review Petition. The Scale Volume contains the entire impugned judgment and order passed by this Hon'ble Court dated November 9, 2019. The publication by Malhotra Law House, Allahabad in 3 Volumes (2nd Edition 2016) is already on record before this Hon'ble Court and the reference of these books will be convenient for the Hon'ble Judges to decide the present Review Petition.

9. The Applicant/Review Petitioner states that the present Application is being filed *bona fide* and in the interests of justice.

10. In the above mentioned facts and circumstances the Applicant/Review Petitioner would humbly prays from this Hon'ble Court:-

PRAYER

a) exempt the Applicant/Review Petitioner from filing the typed copy of the impugned judgment and order passed by this Hon'ble Court dated

November 9, 2019 and take on record the printed book 2019 (15) SCALE 1; and/or

b) exempt the Applicant/Review Petitioner from filing the order passed by the Hon'ble High Court of Judicature at Allahabad dated September 30, 2010 which is already on record before this Hon'ble Court in 3 volumes published by Malhotra Law House, Allahabad in 3 Volumes (2nd Edition 2016); and/or

c) exempt the Applicant/Review Petitioner from filing the all the documents which were forming part of the record of the Civil Appeals as pleadings and documents Volumes from Serial Numbers 1 to 150; and/or

d) exempt the Applicant/Review Petitioner from filing the A series documents from A1 to A145 which were the documents tendered by the Senior Advocates/Advocates at the time of the hearing of the Civil Appeals; and/or

e) pass such other/further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT/REVIEW PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by: -

EJAZ MAQBOOL
Advocate for the Applicant/Review Petitioner

New Delhi
Dated: 02.12.2019

ANNEXURE P – 2

LIST OF PLEADINGS/DOCUMENTS FILED BY THE PARTIES IN CIVIL APPEALS

S.No.	Document's/Description	Dates of filing	Volume No.
1.	Impugned judgment and order dated 30.9.2010 in 3 Volumes printed by Malhotra Law House, Allahabad. This is the 2nd edition (2016) - **[In Three Volumes]**		-
Pleadings/Documents filed by Mr. Ejaz Maqbool, Advocate in Civil Appeal Nos. 10866-10867 of 2010			
2.	Civil Appeal – **[Volume-I]**	15.11.2010	1
3.	Civil Appeal – **[Volume-XXXV]**	1.12.2010	2
4.	**I.A. No. 112071 of 2017** Application for permission to file additional documents **(Volume-I)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	31.10.2017	3
5.	**I.A. No. 114905 of 2017** Application for permission to file additional documents **(Volume-II)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	03.11.2017	4
6.	**I.A. No. 114905 of 2017** Application for permission to file additional documents **(Volume-III)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	03.11.2017	5
7.	**I.A. No. 114905 of 2017** Application for permission to file additional documents **(Volume-IV)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	03.11.2017	6

8.	**I.A. No. 114905 of 2017** Application for permission to file additional documents **(Volume-V)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	03.11.2017	7
9.	**I.A. No. 114906 of 2017** Application for permission to file additional documents **(Volume-VI)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	03.11.2017	8
10.	**I.A. No. 122952 of 2017** Application for permission to file additional documents **(Volume-VII)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	17.11.2017	9
11.	**I.A. No. 128482 of 2017** Application for permission to file additional documents **(Volume-VIII)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	28.11.2017	10
12.	**I.A. No. 136587 of 2017** Application for permission to file additional documents **(Volume-IX)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	12.12.2017	11
13.	**I.A. No. 7459 of 2018** Application for permission to file additional documents **(Volume-X)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	16.01.2018	12
14.	**I.A. No. 15028 of 2018** Application for permission to file additional documents **(Volume-XI)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	30.01.2018	13
15.	**I.A. No. 24476 of 2018** Application for permission to file additional documents **(Volume-XII)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	15.02.2018	14
16.	**I.A. No. 117751 of 2017** Application for directions filed by Mr. Ejaz Maqbool Advocate on 9.11.2017.	09.11.2017	15

Documents filed by Mr. Kamlendra Mishra, Advocate in Civil Appeal Nos. 10866-10867 of 2010			
17.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-I @ pages 1 to 250).**	30.10.2017	16
18.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-II @ pages 251 to 500).**	30.10.2017	17
19.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-III @ pages 501 to 750).**	30.10.2017	18
20.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-IV @ pages 751 to 1000).**	30.10.2017	19
21.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-V @ pages 1001 to 1250).**	30.10.2017	20
22.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-VI @ pages 1251 to 1500).**	30.10.2017	21
23.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-VII @ pages 1501 to 1750).**	30.10.2017	22
24.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-VIII @ pages 1751 to 2000).**	30.10.2017	23
25.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-IX @ pages 2001 to 2250).**	30.10.2017	24

26.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-X @ pages 2251 to 2500).**	30.10.2017	25
27.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XI @ pages 2501 to 2750).**	30.10.2017	26
28.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XII @ pages 2751 to 3000).**	30.10.2017	27
29.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XIII @ pages 3001 to 3250).**	30.10.2017	28
30.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XIV @ pages 3251 to 3500).**	30.10.2017	29
31.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XV @ pages 3501 to 3734).**	30.10.2017	30
32.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XVI @ pages 3735 to 4000).**	17.11.2017	31
33.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XVII @ pages 4001 to 4250).**	17.11.2017	32
34.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XVIII @ pages 4251 to 4500).**	17.11.2017	33
35.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XIX @ pages 4501 to 4750).**	17.11.2017	34

36.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XX @ pages 4751 to 5000).**	17.11.2017	35
37.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXI @ pages 5001 to 5250).**	17.11.2017	36
38.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXII @ pages 5251 to 5500).**	17.11.2017	37
39.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXIII @ pages 5501 to 5750).**	17.11.2017	38
40.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXIV @ pages 5751 to 6000).**	17.11.2017	39
41.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXV @ pages 6001 to 6250).**	17.11.2017	40
42.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXVI @ pages 6251 to 6500).**	17.11.2017	41
43.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXVII @ pages 6501 to 6750).**	17.11.2017	42
44.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXVIII @ pages 6751 to 7000).**	17.11.2017	43
45.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXIX @ pages 7001 to 7203).**	20.11.2017	44

46.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXX @ pages 7206 to 7450).**	20.11.2017	45
47.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXI @ pages 7451 to 7700).**	20.11.2017	46
48.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXII @ pages 7701 to 7950).**	20.11.2017	47
49.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXIII @ pages 7951 to 8200).**	20.11.2017	48
50.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXIV @ pages 8201 to 8450).**	20.11.2017	49
51.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXV @ pages 8451 to 8700).**	20.11.2017	50
52.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXVI @ pages 8701 to 8950).**	20.11.2017	51
53.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXVII @ pages 8951 to 9200).**	20.11.2017	52
54.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXVIII @ pages 9201 to 9450).**	20.11.2017	53
55.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XXXIX @ pages 9451 to 9700).**	20.11.2017	54

56.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XL @ pages 9701 to 9950).**	20.11.2017	55
57.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLI @ pages 9951 to 10200).**	20.11.2017	56
58.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLII @ pages 10201 to 10450).**	20.11.2017	57
59.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLIII @ pages 10451 to 10700).**	20.11.2017	58
60.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLIV @ pages 10701 to 10950).**	20.11.2017	59
61.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLV @ pages 10951 to 11200).**	20.11.2017	60
62.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLVI @ pages 11201 to 11450).**	20.11.2017	61
63.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLVII @ pages 11451 to 11700).**	20.11.2017	62
64.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLVIII @ pages 11701 to 11950).**	20.11.2017	63
65.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLIX @ pages 11951 to 12026).**	20.11.2017	64

66.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLX @ pages 12027 to 12300).**	22.01.2018	65
67.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLXI @ pages 12301 to 12575).**	22.01.2018	66
68.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLXII @ pages 12576 to 12850).**	22.01.2018	67
69.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-XLXIII @ pages 12851 to 13125).**	22.01.2018	68
Application filed by Mr. M.C. Dhingra, Advocate in Civil Appeal Nos. 10866-10867 of 2010			
70.	**I.A. No. 123293 of 2017** Applications for permission to file settlement proposal made by UP Shia Central Waqf Board alongwith application for exemption from filing official translation filed on 18.11.2017 by Mr. M.C. Dhingra, Advocate (R24)).	18.11.2017	69
Application filed by Mr. Amit Pawan, Advocate in Civil Appeal Nos. 10866-10867 of 2010			
71.	**I.A. No. 131189 of 2017** Application for directions on behalf of Respondent No.12 (Dharam Das) filed on 04.12.2017 by Mr. Amit Pawan, Advocate.	04.12.2017	70
Pleadings/Documents filed by Mr. P.V. Yogeswaran, Advocate in Civil Appeal No. 4768-4771 of 2011			
72.	Civil Appeal – **[Volume-I]**	-	71
73.	Pleadings Volume filed by Mr. P.V. Yogeswaran, Advocate.	30.1.2018 **[New Pleadings Volume]**	72

74.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-I @ pages 1 to 269).**	14.10.2017	73
75.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-II @ pages 270 to 544).**	14.10.2017	74
76.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-III @ pages 545 to 797).**	14.10.2017	75
77.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-IV @ pages 798 to 991).**	14.10.2017	76
78.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-V @ pages 992 to 1158).**	14.10.2017	77
79.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-VI @ pages 1159 to 1419).**	19.01.2018	78
80.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-VII @ pages 1420 to 1678).**	19.01.2018	79
81.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-VIII @ pages 1679 to 1918).**	19.01.2018	80
82.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-IX @ pages 1919 to 2163).**	23.01.2018	81
83.	Exhibits filed by the Plaintiff in Suit No.5 by Mr. P.V. Yogeswaran, Advocate – **(Volume-X @ pages 2164 to 2367).**	22.02.2018	82

84.	**I.A. No. 125640 of 2017** Application for permission to file additional documents filed by Mr. P.V. Yogeswaran, Advocate in Civil Appeal Nos. 4768-71 of 2011. **[Archaeology Survey Report]** **(Volume-I @ Pages 1 to 200)**	22.11.2017	83
85.	**I.A. No. 125640 of 2017** Application for permission to file additional documents filed by Mr. P.V. Yogeswaran, Advocate in Civil Appeal Nos. 4768-71 of 2011. **[Archaeology Survey Report]** **(Volume-II @ Pages 201 to 389)**	22.11.2017	84
86.	**I.A. No. 125640 of 2017** Application for permission to file additional documents filed by Mr. P.V. Yogeswaran, Advocate in Civil Appeal Nos. 4768-71 of 2011. **[Archaeology Survey Report]** **(Volume-III @ Pages 1 to 167)**	22.11.2017	85
Pleadings/Documents filed by Ms. Ruchi Kohli, Advocate in Civil Appeal No. 4740 of 2011			
87.	Civil Appeal – **[Volume-I]**	-	86
88.	Exhibits filed by the Plaintiff in Suit No.1 of 1989 by Ms. Ruchi Kohli, Advocate in a Single Volume.	13.11.2017	87
89.	**I.A. No. 30560 OF 2017** Application for directions filed by Ms. Ruchi Kohli, Advocate for Appellant.	-	88
Pleadings/Documents filed by Mrs. Pratibha Jain, Advocate in Civil Appeal No. 4905-4908 of 2011			
90.	Civil Appeal – **[Volume-I]**	-	89
91.	Exhibits and Relevant Documents filed by Mrs. Pratibha Jain, Advocate for the Appellant/ Plaintiff Nirmohi Akhara in Original Suit No.3 of 1989 – **(Volume-I)**	04.12.2017	90

92.	Exhibits and Relevant Documents filed by Mrs. Pratibha Jain, Advocate for the Appellant/ Defendant No.3 Nirmohi Akhara in Original Suit No.4 of 1989 – **(Volume-II)**	04.12.2017	91
93.	Exhibits and Relevant Documents filed by Mrs. Pratibha Jain, Advocate for the Appellant/ Defendant No.3 Nirmohi Akhara in Original Suit No.5 of 1989 – **(Volume-III)**	04.12.2017	92
94.	Exhibits and Relevant Documents filed by Mrs. Pratibha Jain, Advocate for the Appellant/ Defendant No.3 Nirmohi Akhara in Original Suit No.4 of 1989 – **(Volume-IV)**	07.02.2018	93
Pleadings/Documents filed by Mr. Ejaz Maqbool, Advocate in Civil Appeal No.2215 of 2011			
95.	Civil Appeal – **[Volume-I]**	-	94
96.	Civil Appeal – **[Volume-XXXVI]**	-	95
Pleadings/Documents filed by Mr. Shakil Ahmed Syed, Advocate in Civil Appeal No. 821 of 2011			
97.	Civil Appeal – **[Volume-XXXIV]**	-	96
Pleadings/Documents filed by Mr. M. R. Shamshad, Advocate in Civil Appeal No.2894 of 2011			
98.	Civil Appeal – **[Volume-XXXIII]**	-	97
Pleadings/Documents filed by Mr. M. R. Shamshad, Advocate in Civil Appeal No.7226 of 2011			
99.	Civil Appeal – **[Volume-I]**	-	98
Pleadings/Documents filed by Mr. Shahid Hussain Rizvi, Advocate in Civil Appeal No. 4192 of 2011			
100.	Civil Appeal – **[Volume-XXXIII]**	-	99

Applications filed by Mr. Yashpal Dhingra, Advocate in Civil Appeal No. 4192 of 2011			
101.	**I.A. Nos. 113267 and 113268 of 2017** Application for permission to file additional documents and exemption from filing official translation filed on 1.11.2017 by Mr. Yashpal Dhingra, Advocate for R17).	01.11.2017	100
102.	**I.A. No. 17236 of 2018** Application for direction u/s 41 Rule 27 read with section 151 CPC filed on 1.11.2017 by Mr. Yashpal Dhingra, Advocate for R17.	01.11.2017	101
Pleadings/Documents filed by Mr. Shahid Hussain Rizvi, Advocate in Civil Appeal No. 8096 of 2011			
103.	Civil Appeal – **[Volume-I]**	-	102
Pleadings/Documents filed by Mr. Irshad Ahmed, Advocate in Civil Appeal No. 5498 of 2011			
104.	Civil Appeal – **[Volume-I]**	-	103
Pleadings/Documents filed by M/s. Fox Mandal & Co., Advocates in Civil Appeal No. 6965 of 2011			
105.	Civil Appeal – **[Volume-XXXIV]**	-	104
Pleadings/Documents filed by Mr. Vishnu Shankar Jain, Advocate in Civil Appeal No. 4739 of 2011			
106.	Civil Appeal – **[Volume-I]**	-	105
Pleadings/Documents filed by Mr. R. C. Gubrele, Advocate in Civil Appeal No. 2636 of 2011			
107.	Civil Appeal – **[Volume-I]**	-	106
108.	Civil Appeal – **[Volume-XXXV]**	-	107

109.	**I.A. No. ____ of 2018** Application for permission to file additional documents **(Volume-XIII)** filed by Mr. Ejaz Maqbool, Advocate for the Appellant.	12.03.2018	108
110.	Short Affidavit on behalf of Respondent No.12 – Mahant Shri Dharam Das filed by Mr. Amit Pawan, Advocate.	12.03.2018	109
111.	Book Srimadbhagwad Gita published by Geeta Press Gorakhpur, C.M. Appl. No. 83(O) of 2003 – **(Volume-I, Pages 1 to 529).** **[Exhibit No. 20 in Suit No.3 of 1989]**	12.03.2018	110
112.	Book Srimadbhagwad Gita published by Geeta Press Gorakhpur, C.M. Appl. No. 83(O) of 2003 – **(Volume-II, Pages 530 to 1071).** **[Exhibit No. 20 in Suit No.3 of 1989]**	12.03.2018	111
113.	Book Srimadbhagwad Gita published by Geeta Press Gorakhpur, C.M. Appl. No. 83(O) of 2003 – **(Volume-III, Pages 1 to 450).** **[Exhibit No. 20 in Suit No.3 of 1989]**	12.03.2018	112
114.	Book Srimadbhagwad Gita published by Geeta Press Gorakhpur, C.M. Appl. No. 83(O) of 2003 – **(Volume-IV, Pages 451 to 1021).** **The book is incomplete.** **[Exhibit No. 20 in Suit No.3 of 1989]**	12.03.2018	113
115.	Book "Rajasthan Ki Bhakti Paramparaevam Sanskriti" writer Dinesh Chandra Shukla evam Omkar Narain Singh Jodhpur, C.M. Appl. No. 83(O) of 2003. **Hindi version of the book filed** **[Exhibit No. 21 in Suit No.3 of 1989]**	12.03.2018	114
116.	Geetawali by Goswami Tulsi Das filed in O.O.S. 4/89 by Deponent No.3 through his witness R.P. Pandey. Marked Exhibit as per order of Court dt. 8.7.08. **Sanskrit/Hindi version of the book filed** **[Exhibit No. A9 in Suit No.4 of 1989]**	12.03.2018	115

117.	("Sikh Itihas Mein Sri Ram Janam Bhumi") **Hindi version of the book filed** **[Exhibit No. B4 in Suit No.4 of 1989]**	12.03.2018	116
118.	"Puratattva" Bulletin of the Archaeological Society of India. **[Exhibit No. T-1 in Suit No.4 of 1989]**	12.03.2018	117
119.	Book written by S.P. Gupta and T.P. Verma "Ayodhya Ka Itihas Evam Puratattva Rig Ved Se Abtak". **Hindi version of the book filed** **[Exhibit No. 3 in Suit No.5 of 1989]**	12.03.2018	118
120.	The book "Ayodhya" by Hans Bakker. **(Volume-A, Pages 1 to 164).** **[Exhibit No. 23 in Suit No.5 of 1989]**	12.03.2018	119
121.	The book "Ayodhya" by Hans Bakker. **(Volume-B, Pages 165 to 471).** **[Exhibit No. 23 in Suit No.5 of 1989]**	12.03.2018	120
122.	"Sri Ram Janam Bhumi Ka Pramanik Sachitra Itihas" by Dr. Radhey Shyam Shukla, published by Bal Krishna Goswami, 590 Ramkot Ayodhya 1986. **Hindi version of the book filed** **[Exhibit No. 24 in Suit No.5 of 1989]**	12.03.2018	121
123.	Book written by Patrick Thomas Hughes "A Dictionary of Islam". **[Exhibit No. 34 in Suit No.5 of 1989]**	12.03.2018	122
124.	Book written by Percy Brown "Indian Architecture". **[Exhibit No. 35 in Suit No.5 of 1989]**	12.03.2018	123
125.	"Itihas Darpan" **[Exhibit No. 36 in Suit No.5 of 1989]**	12.03.2018	124
126.	Book "Ram Charit Manas" **(Volume-I, Pages 1 to 720).** **[Exhibit No. 42 in Suit No.5 of 1989]**	12.03.2018	125
127.	Book "Ram Charit Manas" **(Volume-II, Pages 721 to 1200).** **[Exhibit No. 42 in Suit No.5 of 1989]**	12.03.2018	126

128.	Book “Satyarth Prakash” **Hindi version of the book filed [Exhibit No. 44 in Suit No.5 of 1989]**	12.03.2018	127
129.	Deposition filed by Mr. Kamlendra Mishra, Advocate for the State of Uttar Pradesh - **(Volume-LIV @ pages 13126 to 13426).**	13.03.2018	128
130.	A separate compilation of the judgment entitled as *Dr. M. Ismail Faruqui Vs. Union of India* reported in (1994) 6 SCC 360.	27.04.2018	129
131.	Note submitted by Mr. Raju Ramachandran, Senior Advocate.	27.04.2018	130
132.	Compilation of judgments on behalf of Mr. Raju Ramachandran, Senior Advocate by Mr. Ejaz Maqbool, Advocate.	27.04.2018	131
133.	Note submitted by Dr. Rajeev Dhavan, Senior Advocate in relation to reference to a larger bench of some aspects in *Ismail Faruqui* Case (1994) 6 SCC 360 and Its impact on the suits in appeal.	15.05.2018	132
134.	Note submitted by Dr. Rajeev Dhavan, Senior Advocate on Islamic Religious Text on Mosque.	15.05.2018	133
135.	Compilation of judgments filed on behalf of Dr. Rajeev Dhavan, Senior Advocate **[Volume-I]**	06.07.2018	134
136.	Compilation of judgments filed on behalf of Dr. Rajeev Dhavan, Senior Advocate **[Volume-II]**	06.07.2018	135
137.	Compilation of judgments filed on behalf of Dr. Rajeev Dhavan, Senior Advocate **[Volume-III]**	06.07.2018	136
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139.	List of Dates & Compilation of relevant documents filed by Mr. P.V. Yogeswaran, Advocate alongwith the Written Submissions of Mr. Mr. K. Parasaran, Senior Advocate.	15.05.2018	138
140.	Compilation of Judgments submitted by Mr. K. Parasaran, Senior Advocate.	15.05.2018	139
141.	Notes on argument against reference to larger bench submitted by Mr. P.N. Mishra, Advocate on behalf of M/s. Fox Mandal & Co., Advocates & Solicitors.	06.07.2018	140
142.	Compilation of Islamic Laws submitted by Mr. P.N. Mishra, Advocate on behalf of M/s. Fox Mandal & Co., Advocates & Solicitors.	06.07.2018	141
143.	Compilation of Supplementary Islamic Laws submitted by Mr. P.N. Mishra, Advocate on behalf of M/s. Fox Mandal & Co., Advocates & Solicitors.	06.07.2018	142
144.	Submissions on behalf of the State of Uttar Pradesh by Mr. Tushar Mehta, Additional Solicitor General.	06.07.2018	143
145.	Reply Submissions of Dr. Rajeev Dhavan, Senior Advocate to the arguments made by the Hindu Parties.	13.07.2018	144
146.	Compilation of judgments filed on behalf of Dr. Rajeev Dhavan, Senior Advocate. **[Volume-IV]**	13.07.2018	145
147.	Reply Submissions of Dr. Rajeev Dhavan, Senior Advocate to the arguments made by Mr. Tushar Mehta, Advocate Solicitor General.	13.07.2018	146
148.	**I.A. No. _____ of 2019** Application for Directions in furtherance of the order dated March 8, 20109 filed by Ms. Pratibha Jain, Advocate for Nirmohi Akhara Ayodhya in Civil Appeal Nos.4905-4908 of 2011.	25.03.2019	147

149.	**I.A. No. 96279 of 2019** **In** **Civil Appeal No. 4740 of 2011** Application for Directions praying that the Hon'ble Court may be pleased to directed that the Mediation Proceedings stand concluded and the matters be listed for final hearing.	04.07.2019	148
150.	**I.A. No. 102786 of 2019** **In** **Civil Appeal Nos. 10866-10867 of 2010** Application for Directions seeking permission to point out discrepancies in the translations, if any, at the time of referring the relevant document during the final arguments of the matter.	15.07.2019	149
151.	Counter Affidavit filed by Mr. L.R. Singh, Advocate on behalf of the Respondent No.19 in Civil Appeal No. 821 of 2011.	26.07.2019	150

// TRUE COPY //

ANNEXURE P – 3

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF: -

M. Siddiq (D) Thr. Lrs. … Appellant

-VERSUS-

Mahant Suresh Das & Ors. etc. etc. … Respondents

AND
OTHER CONNECTED CIVIL APPEALS

LIST OF DOCUMENTS/JUDGMENTS TENDERED BY SENIOR ADVOCATES DURING THE COURSE OF FINAL HEARING

S.No.	Description	Date on which document was tendered	Tendered by
DOCUMENTS/JUDGMENTS TENDERED ON 06.08.2019			
A1.	A copy of the Written Submissions on behalf of the Appellant – Nirmohi Akhara by Mr. S.K. Jain, Senior Advocate in Civil Appeal Nos. 4905-4908 of 2011.	6.8.2019	Mr. S.K. Jain, Senior Advocate
A2.	A copy of the Map tendered by Mr. S.K. Jain, Senior Advocate in Civil Appeal Nos. 4905-4908 of 2011.	6.8.2019	Mr. S.K. Jain, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 07.08.2019			
A3.	A copy of the Note on Limitation tendered by Mr. S.K. Jain, Senior Advocate in Civil Appeal Nos. 4905-4908 of 2011.	7.8.2019	Mr. S.K. Jain, Senior Advocate

A4.	A copy of the Note on Possession and Possessory Title (Issue Nos. 2, 3 and 8 of OOS No. 3 of 1989 tendered by Mr. S.K. Jain, Senior Advocate in Civil Appeal Nos. 4905-4908 of 2011.	7.8.2019	Mr. S.K. Jain, Senior Advocate
A5.	A copy of the Summary of finding in the judgment of the Hon'ble High Court of Allahabad in OS-3, OS-4 and OS-5 tendered by Mr. K. Parasaran, Senior Advocate in Civil Appeal Nos. 4768-4771 of 2011.	7.8.2019	Mr. K. Parasaran, Senior Advocate
A5.1	A copy of the Compilation of relied upon legislations tendered by Mr. K. Parasaran, Senior Advocate in Civil Appeal Nos. 4768-4771 of 2011.	7.8.2019	Mr. K. Parasaran, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 08.08.2019			
A6.	A copy of the coloured map tendered by Mr. K. Parasaran, Senior Advocate.	8.8.2019	Mr. K. Parasaran, Senior Advocate
A7.	A copy of the another coloured map tendered by Mr. K. Parasaran, Senior Advocate.	8.8.2019	Mr. K. Parasaran, Senior Advocate
A8.	A copy of the Compilation of judgments tendered by Mr. K. Parasaran, Senior Advocate in Civil Appeal No. 4768-4771 of 2011.	8.8.2019	Mr. K. Parasaran, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 09.08.2019			
A9.	(2001) 4 SCC 492 - Raja Ram Maize Products Vs. Industrial Court & M.P. & Ors.	9.8.2019	Mr. K. Parasaran, Senior Advocate
A10.	(1999) 5 SCC 50 - Ram Jankijee Deities & Ors. Vs. State of Bihar & Ors.	9.8.2019	Mr. K. Parasaran, Senior Advocate

A11.	(1966) 3 SCR 242 - Sastri Yagnapurushadji & Ors. Vs. Muldas Bhudardas Vaishya & Anr.	9.8.2019	Mr. K. Parasaran, Senior Advocate
A12.	(1969) 1 SCR 624 - Kamaraju Venkata Krishna Rao Vs. The Sub-Collector, Ongole & Ors.	9.8.2019	Mr. K. Parasaran, Senior Advocate
A13.	(2005) 1 SCC 457 - Thayarammal (Dead) by Lr. Vs. Kanakammal & Ors.	9.8.2019	Mr. K. Parasaran, Senior Advocate
A14.	1931 SCC OnLine PC 47 - Madura, Tirupparankundram, Etc., Devasthanams Vs. Alikhan Sahib & Ors.	9.8.2019	Mr. K. Parasaran, Senior Advocate
A15.	(2000) 4 SCC 146 - Shiromani Gurdwara Prabandhak Committee, Amritsar Vs. Som Nath Dass & Ors.	9.8.2019	Mr. K. Parasaran, Senior Advocate
A16.	(1969) 1 SCC 555 - Yogendra Nath Naskar Vs. Commissioner of Income Tax, Calcutta	9.8.2019	Mr. K. Parasaran, Senior Advocate
A17.	Extract from Srimad Valmiki Ramayana.	9.8.2019	Mr. K. Parasaran, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 13.08.2019			
A18.	A map was tendered by Mr. C. S. Vaidyanathan, Senior Advocate showing the building in the suit with its locality.	13.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
A19.	A copy of the Compilation of judgments tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	13.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 16.08.2019			
A20.	A set of black and white photographs were tendered in the Court by Mr. C. S. Vaidyanathan, Senior Advocate.	16.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate

A21.	A set of coloured photographs were tendered in the Court by Mr. C. S. Vaidyanathan, Senior Advocate.	16.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 20.08.2019			
A22.	A photograph of a slab containing certain inscriptions tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	20.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
A23.	A copy of the Compilation of Judgments **(Volume-II)** tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	20.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 21.08.2019			
A24.	A copy of the Compilation of Judgments **(Volume-III)** tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	21.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
A25.	A copy of the Compilation of Relevant Documents relating to 145 Cr.PC tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	21.8.2019	Mr. C. S. Vaidyanathan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 22.08.2019			
A26.	A copy of the Written Submissions on behalf of the Appellant – Nirmohi Akhara by Mr. S.K. Jain, Senior Advocate in Civil Appeal Nos. 4905-4908 of 2011.	22.8.2019	Mr. S.K. Jain, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 23.08.2019			
A27.	A copy of the Supplementary note on the Written Statement of Nirmohi Akhara in OOS No.5 of 1989 tendered by Mr. S.K. Jain, Senior Advocate.	23.8.2019	Mr. S.K. Jain, Senior Advocate

DOCUMENTS/JUDGMENTS TENDERED ON 26.08.2019			
A28.	A copy of the Compilation of Judgments **(Part-II)** tendered by Mr. S.K. Jain, Senior Advocate.	26.8.2019	Mr. S.K. Jain, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 27.08.2019			
A29.	A copy of the Statement on the stand of Nirmohi Akhara on the maintainability of Suit No.5 of 1989 tendered by Mr. S.K. Jain, Senior Advocate.	27.8.2019	Mr. S.K. Jain, Senior Advocate
A30.	A copy of the Note on Issue of Possession & Conclusion of High Court of 'Joint Possession' tendered by Mr. S.K. Jain, Senior Advocate.	27.8.2019	Mr. S.K. Jain, Senior Advocate
A31.	A map from the book 'Ayodhya' written by Hans Baker tendered by Mr. P.N. Mishra, Advocate.	27.8.2019	Mr. P.N. Mishra, Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 29.08.2019			
A32.	A copy of the order dated 18.3.2010 passed by the Hon'ble High Court of Allahabad tendered by Mr. P.N. Mishra, Advocate.	29.8.2019	Mr. P.N. Mishra, Advocate
A32.1	A copy of the Compilation titled as "Temple Parts" tendered by Mr. P.N. Mishra, Advocate.	29.8.2019	Mr. P.N. Mishra, Advocate
A32.2	A copy of the Notes on Arguments Part-I tendered by Mr. P.N. Mishra, Advocate.	29.8.2019	Mr. P.N. Mishra, Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 30.08.2019			
A33.	A copy of the Notes of Arguments Part-II tendered by Mr. P.N. Mishra, Advocate.	30.8.2019	Mr. P.N. Mishra, Advocate

A34.	A copy of the Compilation of Islamic Law Part-II tendered by Mr. P.N. Mishra, Advocate.	30.8.2019	Mr. P.N. Mishra, Advocate
A35.	A Compilation of Judgments on Prescription/Limitation and Hindu Law on Jirnoddhar tendered by Mr. P.N. Mishra, Advocate.	30.8.2019	Mr. P.N. Mishra, Advocate
A36.	Extracts from the book "Al-Sharia' A" deduced from various authorities Volume-II by S.C. Sircar, Tagore Professor of Law pages 466 - 476 tendered by Mr. P.N. Mishra, Advocate.	30.8.2019	Mr. P.N. Mishra, Advocate
A37.	Extracts from the book "Glorious Quran" Text, Translation and Commentary by Abdullah Yusuf Ali - introduction to Sura VIII (Anfal) pages 414-435 tendered by Mr. Hari Shankar Jain, Advocate for Hindu Mahasabha in Civil Appeal No.4739 of 2011.	30.8.2019	Mr. Hari Shankar Jain, Advocate
A38.	A copy of the Dates & Events tendered by Mr. Hari Shankar Jain, Advocate for Hindu Mahasabha in Civil Appeal No.4739 of 2011.	30.8.2019	Mr. Hari Shankar Jain, Advocate
A39.	Extracts from the book "Babur-Nama" by Annette Susannah Beveridge Volume-I pages 518, 554, 555, 559, 560, 576 & 596 tendered by Mr. Hari Shankar Jain, Advocate for Hindu Mahasabha in Civil Appeal No.4739 of 2011.	30.8.2019	Mr. Hari Shankar Jain, Advocate
A40.	Extracts from the book "Pakistan or the Partition of India" by Dr. B.R. Ambedkar tendered by Mr. Hari Shankar Jain, Advocate for Hindu Mahasabha in Civil Appeal No.4739 of 2011.	30.8.2019	Mr. Hari Shankar Jain, Advocate

A41.	A copy of the noted submitted by Mr. Varinder Kumar Sharma, Advocate appearing in Civil Appeal No. 4739 of 2011.	30.8.2019	Mr. Varinder Kumar Sharma, Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 02.09.2019			
A41.1	A copy of the Notes of arguments on behalf of Akhil Bharat Hindu Mahasabha tendered by Mr. Anoop Bose, Advocate	2.9.2019	Mr. Anoop Bose, Advocate
A42.	A copy of the **SUBMISSION NO.1 -** Compilation on English Law in India and Justice Equity and Good Conscience in Modern Indian Law tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A43.	A copy of the **SUBMISSION NO.1A -** Compilation on English Law in India and Justice Equity and Good Conscience in Modern Indian Law tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A44.	A copy of the Preliminary Submission on Cases tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A45.	A copy of the Note on Methodology tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A46.	A copy of the List of Travellers Accounts & Gazetteers/Reports tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A47.	A copy of the Miscellaneous Compilation in response to submissions made by Mr. P.N. Mishra, Advocate and Mr. H.S. Jain, Advocate tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate

A48.	A copy of the Compilation of Cases on Res Nullius tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A49.	A copy of the **SUBMISSION NO.3 -**Compilation Containing Extracts from B.K. Mukherjea: The Hindu Law of Religious and Charitable Trusts tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A50.	A copy of the **SUBMISSION NO.4 -** Compilation of Essays in Classical and Modern Hindu Law by J. Duncan M. Derrett tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A51.	A copy of the Compilation of Cases on Parens Patriae tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A52.	A copy of the **SUBMISSION NO.2 -** Compilation containing extracts from P.V. Kane: History of Dharmasastra tendered by Dr. Rajeev Dhavan, Senior Advocate.	2.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 03.09.2019			
A53.	A copy of the Note on Planned Desecration of Mosque - Reply to no desecration on December 22-23, 1949 tendered by Dr. Rajeev Dhavan, Senior Advocate.	3.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A54.	A copy of the Report of Mr. Bashir Ahmad Khan, Pleader Commissioner dated 03.08.1950 alongwith 13 photographs tendered by Dr. Rajeev Dhavan, Senior Advocate.	3.9.2019	Dr. Rajeev Dhavan, Senior Advocate

A55.	A copy of the Articles published in the Journal of the Indian Law Institute tendered by Dr. Rajeev Dhavan, Senior Advocate.	3.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 04.09.2019			
A56.	A copy of the Note on conclusions derived from pleadings in Suit No. 3 of 1989 & Civil Appeal No. 4908 of 2011 tendered by Dr. Rajeev Dhavan, Senior Advocate.	4.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A57.	A copy of the Propositions on Religious Endowments and Shebaits in Hindu Law tendered by Dr. Rajeev Dhavan, Senior Advocate.	4.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A58.	A copy of the Note on Exhibits and Relevant Documents filed by Nirmohi Akhara tendered by Dr. Rajeev Dhavan, Senior Advocate.	4.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A59.	A copy of the Short Note on Exhibits of Nirmohi Akhara tendered by Dr. Rajeev Dhavan, Senior Advocate.	4.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A60.	A copy of the Response to Exhibits relied upon by Nirmohi Akhara tendered by Dr. Rajeev Dhavan, Senior Advocate.	4.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A61.	A copy of the Response to Submissions made by Nirmohi Akaraha tendered by Dr. Rajeev Dhavan, Senior Advocate.	4.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 05.09.2019			
A62.	A copy of the Note on Witness Statements in Suit 3 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	5.9.2019	Dr. Rajeev Dhavan, Senior Advocate

A63.	A copy of the extract from the books *"The Elementary Principles of Jurisprudence by G.W. Keeton"* and *"Snell's Principles of Equity by The Hon. Sir Robert Megarry"* tendered by Dr. Rajeev Dhavan, Senior Advocate.	5.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A64.	A copy of the Compilation of Judgments on Meaning of 'Belonging To' tendered by Dr. Rajeev Dhavan, Senior Advocate.	5.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A65.	A copy of the Note on Continuous Wrong tendered by Dr. Rajeev Dhavan, Senior Advocate.	5.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 12.09.2019			
A66.	A copy of the Note and Compilation on Limitation & Possession in Suit 3 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	12.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A67.	A copy of the Compilation on Shebait tendered by Dr. Rajeev Dhavan, Senior Advocate.	12.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A68.	A copy of the Note and Caselaws on Illegal Acts cannot be the foundation of rights tendered by Dr. Rajeev Dhavan, Senior Advocate.	12.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A69.	A copy of the Compilation of Statutes tendered by Dr. Rajeev Dhavan, Senior Advocate.	12.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A70.	A copy of the Note on Clarity of Pleadings tendered by Dr. Rajeev Dhavan, Senior Advocate.	12.9.2019	Dr. Rajeev Dhavan, Senior Advocate

DOCUMENTS/JUDGMENTS TENDERED ON 13.09.2019			
A71.	A copy of the Documentary Evidence/Oral Evidence showing the user of Babri Mosque by Muslims between 1934 and 1949 tendered by Mr. Zafaryab Jilani, Senior Advocate.	13.9.2019	Mr. Zafaryab Jilani, Senior Advocate
A72.	A copy of the Summary Note on Preliminary Submissions tendered by Dr. Rajeev Dhavan, Senior Advocate.	13.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A73.	A copy of the Summary Note on Submissions in Reply to Suit 3 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	13.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 17.09.2019			
A74.	A copy of the Issue based Summary of the Judgment(s) of Allahabad High Court in OOS Nos. 1, 3, 4 and 5 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	17.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A75.	A copy of the Note on Exhibits and other relevant documents filed by Plaintiffs in Suit 5 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	17.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 18.09.2019			
A76.	A copy of the Note on Proof of Belief-I (Skanda Purana, Travelers, Gazetteers) tendered by Dr. Rajeev Dhavan, Senior Advocate.	18.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A77.	A copy of the Compilation on Law relating to Gazetteers tendered by Dr. Rajeev Dhavan, Senior Advocate.	18.9.2019	Dr. Rajeev Dhavan, Senior Advocate

A78.	A copy of the Note on Witness Statements in Suit 5 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	18.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 19.09.2019			
A79.	A copy of the Note on Prayer at the Grill Wall tendered by Dr. Rajeev Dhavan, Senior Advocate.	19.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A80.	A copy of the Note on Proof of Belief-II (Inscriptions) tendered by Dr. Rajeev Dhavan, Senior Advocate.	19.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 20.09.2019			
A81.	A copy of the Note on Juristic Personality of Idols and Areas tendered by Dr. Rajeev Dhavan, Senior Advocate.	20.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 23.09.2019			
A82.	A copy of the Compilation on the Issue of Limitation in Suit 5 tendered by Dr. Rajeev Dhavan, Senior Advocate.	23.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A83.	A copy of the Submission in Reply to Mr. P.N. Mishra, H.S. Jain and Mr. M.C. Dhingra (Shia Waqf Board), Advocates tendered by Dr. Rajeev Dhavan, Senior Advocate.	23.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A84.	A copy of the Summary Note on Suit No. 5 tendered by Dr. Rajeev Dhavan, Senior Advocate.	23.9.2019	Dr. Rajeev Dhavan, Senior Advocate

DOCUMENTS/JUDGMENTS TENDERED ON 24.09.2019			
A85.	A copy of the Compilation of Judgments regarding Sri Sabanayagar Temple, Chidambaram tendered by Dr. Rajeev Dhavan, Senior Advocate.	24.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A86.	A copy of the Miscellaneous Note on Temples and Sadachara tendered by Dr. Rajeev Dhavan, Senior Advocate.	24.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A87.	A copy of the Submissions in Reply to Suit 1 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	24.9.2019	Dr. Rajeev Dhavan, Senior Advocate
A88.	A copy of the Note on Historical Documents & Gazetteers Etc. tendered by Mr. Zafaryab Jilani, Senior Advocate.	24.9.2019	Mr. Zafaryab Jilani, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 25.09.2019			
A89.	Clear copy of certain pages of Exhibit-6. Running Volume-73 tendered by Mr. Zafaryab Jilani, Senior Advocate.	25.9.2019	Mr. Zafaryab Jilani, Senior Advocate
A90.	A copy of the Compilation tendered by Ms. Meenakshi Arora, Senior Advocate.	25.9.2019	Ms. Meenakshi Arora, Senior Advocate
A91.	A copy of the Note on Stratigraphy / Periodisation, Pillar Bases, Walls, Circular Shrine, Divine Couple & Other Artefacts, Glazed Ware & Glazed Tiles; Animal Bones **[A]** tendered by Ms. Meenakshi Arora, Senior Advocate.	25.9.2019	Ms. Meenakshi Arora, Senior Advocate
A92.	A copy of the Note on Stratigraphy / Periodisation, Pillar Bases, Walls, Circular Shrine, Divine Couple & Other Artefacts, Glazed Ware & Glazed Tiles; Animal Bones **[B]**	25.9.2019	Ms. Meenakshi Arora, Senior Advocate

	tendered by Ms. Meenakshi Arora, Senior Advocate.		
DOCUMENTS/JUDGMENTS TENDERED ON 26.09.2019			
A93.	A copy of the Note on Interpretation of Rule 10 (A) read with Rule 10 (2) of Order 26, CPC tendered by Dr. Rajeev Dhavan, Senior Advocate.	26.9.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 27.09.2019			
A94.	A copy of the Reply to the Submissions of Mr. C. S. Vaidyanathan, Senior Advocate, on ASI Report Vol-III [Vol-85] tendered by Ms. Meenakshi Arora, Senior Advocate.	27.9.2019	Ms. Meenakshi Arora, Senior Advocate
A95.	A copy of the Submissions and Case Laws tendered by Ms. Meenakshi Arora, Senior Advocate.	27.9.2019	Ms. Meenakshi Arora, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 30.09.2019			
A96.	Copies of the Judgements and Documents tendered by Mr. Shekhar Naphade, Senior Advocate.	30.9.2019	Mr. Shekhar Naphade, Senior Advocate
A97.	A copy of the Written Submissions tendered by Mr. Shekhar Naphade, Senior Advocate.	30.9.2019	Mr. Shekhar Naphade, Senior Advocate
A98.	A copy of the Written Submissions tendered by Mr. Mohd. Nizamuddin Pasha, Advocate.	30.9.2019	Mr. Mohd. Nizamuddin Pasha, Advocate
A99.	A copy of the Compilation of Submissions on Land as a Juristic Entity tendered by Mr. K. Parasaran, Senior Advocate.	30.9.2019	Mr. K. Parasaran, Senior Advocate

DOCUMENTS/JUDGMENTS TENDERED ON 01.10.2019			
A100.	A copy of the Compilation-II of the Judgments tendered by Mr. K. Parasaran, Senior Advocate.	01.10.2019	Mr. K. Parasaran, Senior Advocate
A101.	A copy of the Submissions on Res Judicata tendered by Mr. K. Parasaran, Senior Advocate.	01.10.2019	Mr. K. Parasaran, Senior Advocate
A101.1	The Parallel Codes of Civil Procedure 1882 & 1908 from the book written by A.S. Cowdell and S.K. Chariar tendered by Mr. K. Parasaran, Senior Advocate.	01.10.2019	Mr. K. Parasaran, Senior Advocate
A102.	A copy of the Compilation of Proceedings in Case No. 61/280, Year 1885 tendered by Mr. K. Parasaran, Senior Advocate.	01.10.2019	Mr. K. Parasaran, Senior Advocate
A103.	A copy of the Compilation of Submissions on Limitation in Suit No.5 tendered by Mr. K. Parasaran, Senior Advocate.	01.10.2019	Mr. K. Parasaran, Senior Advocate
A104.	A copy of the Submissions on behalf of Plaintiff in Suit No.5 tendered by Mr. C. S. Vaidyanathan, Senior Advocate	01.10.2019	Mr. C. S. Vaidyanathan, Senior Advocate
An enlarged copy of the map which is at page 70 of Volume-83 tagged along in the same volume tendered by Mr. C. S. Vaidyanathan, Senior Advocate.			Mr. C. S. Vaidyanathan, Senior Advocate
An enlarged copy of the coloured map which is at page 72 of Volume-83 tagged along in the same volume tendered by Mr. C. S. Vaidyanathan, Senior Advocate.			Mr. C. S. Vaidyanathan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 03.10.2019			
A105.	A copy of the List of some important plates of ASI Report tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	03.10.2019	Mr. C. S. Vaidyanathan, Senior Advocate

A105.1	A copy of the Question and Answer on Bhumi/Juridical Personality tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	03.10.2019	Mr. C. S. Vaidyanathan, Senior Advocate
A106.	A copy of the Submissions tendered by Mr. Ranjit Kumar, Senior Advocate.	03.10.2019	Mr. Ranjit Kumar, Senior Advocate
A107.	A copy of the Submissions tendered by Mr. P.S. Narasimha, Senior Advocate on behalf of Defendant No.2 in OOS No.5 of 1989.	03.10.2019	Mr. P.S. Narasimha, Senior Advocate
A108.	A copy of the Comprehensive Written Submissions on Suit OOS No.3 of 1989 and OOS 5 of 1989 along with Rejoinder Arguments tendered by Mr. S.K. Jain, Senior Advocate.	03.10.2019	Mr. S.K. Jain, Senior Advocate
A109.	A copy of the Compilation of Judgments tendered by Mr. S.K. Jain, Senior Advocate.	03.10.2019	Mr. S.K. Jain, Senior Advocate
A110.	A copy of the Notes of Argument Part-III tendered by Mr. P.N. Mishra, Advocate.	03.10.2019	Mr. P.N. Mishra, Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 04.10.2019			
A111.	A copy of the Response to Arguments made in Rejoinder and their Applicability on both sides tendered by Dr. Rajeev Dhavan, Senior Advocate.	04.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A112.	A copy of the Note on Title tendered by Dr. Rajeev Dhavan, Senior Advocate.	04.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A112.1	A copy of the Note on the factual basis of the cases cited on Title and Doctrine of Lost Grant tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate

A113.	A copy of the Convenience Compilation of Exhibits tendered by Dr. Rajeev Dhavan, Senior Advocate.	04.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A114.	A copy of the Compilation of Cases on the Issue of Title tendered by Dr. Rajeev Dhavan, Senior Advocate.	04.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A115.	A copy of the Compilation of Judgments on Doctrine of Lost Grant tendered by Dr. Rajeev Dhavan, Senior Advocate.	04.10.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 14.10.2019			
A116.	A copy of the Submissions on behalf of the Appellants by Mr. C. S. Vaidyanathan, Senior Advocate on “The Existence of Temple Beneath & Demolition thereof for Construction of Disputed Structure”.	14.10.2019	Mr. C. S. Vaidyanathan, Senior Advocate
A117.	A copy of the Reply by Ms. Meenakshi Arora to Submissions of Mr. C. S. Vaidyanathan, Senior Advocate on “The Existence of Temple Beneath & Demolition thereof for Construction of Disputed Structure”.	14.10.2019	Ms. Meenakshi Arora, Senior Advocate
A118.	A copy of the Notes in Response to Queries raised by this Hon’ble Court tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A119.	A copy of the Notes on Response – with the Permission of the Court tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A120.	A copy of the Summary Note on OOS 4 of 1989 tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate

A121.	A copy of the Note on Limitation and Adverse Possession tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A122.	A copy of the Compilation of Judgments on Limitation and Adverse Possession (Suit 4) tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A123.	A copy of the Note on the Issue of Wakf tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate
A124.	A copy of the Compilation of Judgments on Waqf tendered by Dr. Rajeev Dhavan, Senior Advocate.	14.10.2019	Dr. Rajeev Dhavan, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 15.10.2019			
A125.	A copy of the Submissions on behalf of Sri K. Parasaran, Senior Advocate in Re. Suit 4.	15.10.2019	Mr. K. Parasaran, Senior Advocate
A126.	A copy of the Compilation of Judgments tendered by Mr. K. Parasaran, Senior Advocate.	15.10.2019	Mr. K. Parasaran, Senior Advocate
A127.	A copy of the Compilation tendered by Mr. K. Parasaran, Senior Advocate.	15.10.2019	Mr. K. Parasaran, Senior Advocate
A128.	A copy of the Compilation of Judgments tendered by Mr. K. Parasaran, Senior Advocate.	15.10.2019	Mr. K. Parasaran, Senior Advocate
A129.	A copy of the Judgment entitled as *"M. Krishnaswami Naidu Vs. Secretary of State represented by Collector of Tanjore & Ors"*. reported in *[AIR (30) 1943 Madras 15]* tendered by Mr. K. Parasaran, Senior Advocate.	15.10.2019	Mr. K. Parasaran, Senior Advocate

A130.	A copy of the relevant extract from the book *"The Principal Upanisads"* edited with Introduction, Text, Translation and Notes by S. Radhakrishnan tendered by Mr. K. Parasaran, Senior Advocate.	15.10.2019	Mr. K. Parasaran, Senior Advocate
DOCUMENTS/JUDGMENTS TENDERED ON 16.10.2019			
A131.	A copy of the Supplementary Submissions tendered by Mr. Shekhar Naphade, Senior Advocate.	16.10.2019	Mr. Shekhar Naphade, Senior Advocate
A132.	A copy of the Notes of Arguments on behalf of Akhil Bharat Hindu Mahasabha tendered by Mr. Anoop Bose, Advocate.	16.10.2019	Mr. Anoop Bose, Advocate
A133.	A copy of the relevant extract from the book *"The History of Islam" (Volume One)* by Akbar Shah Najeebabadi - (Revised by: Safi-ur-Rahman Mubarakpuri) tendered by Mr. C. S. Vaidyanathan, Senior Advocate.	16.10.2019	Mr. C. S. Vaidyanathan, Senior Advocate
A134.	A copy of the Submissions on behalf of Hindu Parties tendered by Mr. Ranjit Kumar, Senior Advocate.	16.10.2019	Mr. Ranjit Kumar, Senior Advocate
A135.	A copy of the Written Submission on behalf of the Respondent No.12 – (Mahanth Shri Dharam Das) tendered by Mr. Jaideep Gupta, Senior Advocate.	16.10.2019	Mr. Jaideep Gupta, Senior Advocate
A136.	A copy of the Application of Mohammad Khatib Moazzin of the Masjid dated November 30, 1858 in Case No. 884 tendered by Mr. Vikas Singh, Senior Advocate.	16.10.2019	Mr. Vikas Singh, Senior Advocate

A137.	A copy of the Brief List of Dates tendered by Mr. Vikas Singh, Senior Advocate.	16.10.2019	Mr. Vikas Singh, Senior Advocate
A138.	A copy of the Submissions on behalf of President, All India Hindu Mahasabha, Swami Chakrapani tendered by Mr. Vikas Singh, Senior Advocate.	16.10.2019	Mr. Vikas Singh, Senior Advocate
A139.	A copy of the Note on behalf of Umesh Chandra Pandey, Respondent No.19 in Civil Appeal No. 821 of 2011 tendered by Mr. V. Shekhar, Senior Advocate.	16.10.2019	Mr. V. Shekhar, Senior Advocate
A140.	A copy of the Written Submission on behalf of Respondent Nos. 9 & 15 i.e. Akhil Bharat Hindu Mahasabha & All India Hindu Mahasabha tendered by Mr. Barun Kumar Sinha, Advocate.	16.10.2019	Mr. Barun Kumar Sinha, Advocate
A141.	A copy of the Comprehensive Written Submissions on Suit OOS No.4 of 1989 tendered by Mr. S.K. Jain, Senior Advocate.	16.10.2019	Mr. S.K. Jain, Senior Advocate
A142.	A copy of the Statement of Advocate for the Plaintiff in O.O.S. No. 4 of 1989 namely Mohd. Ayub recorded before the Learned Civil Judge, Faizabad in R.S. No. 12 of 1961 tendered by Mr. S.K. Jain, Senior Advocate.	16.10.2019	Mr. S.K. Jain, Senior Advocate
A143.	A copy of the Written Submissions tendered by Mr. M.C. Dhingra, Advocate.	16.10.2019	Mr. M.C. Dhingra, Advocate
A144.	A copy of the Submissions tendered by Mr. Hari Shankar Jain, Advocate.	16.10.2019	Mr. Hari Shankar Jain, Advocate

A144.1	A copy of the Reply to the Note on Issue of Waqf submitted by Dr. Rajeev Dhavan, Senior Advocate on 14.10.2019 - (**Volume-II**) tendered by Mr. Hari Shankar Jain, Advocate.	16.10.2019	Mr. Hari Shankar Jain, Advocate
A145.	A copy of the Response to the Reply in Suit 4 tendered by Dr. Rajeev Dhavan, Senior Advocate.	16.10.2019	Dr. Rajeev Dhavan, Senior Advocate

// TRUE COPY //

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I. A. NO. OF 2019

IN

REVIEW PETITION (CIVIL) NO. OF 2019

IN

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF:-

M. Siddiq (D) Thr. Lrs. … Applicant/Review Petitioner

-VERSUS-

Mahant Suresh Das & Ors. Etc. Etc. … Respondents

APPLICATION FOR STAY

To,

Hon'ble the Chief Justice of India
and his companion Judges of the
Supreme Court of India

The humble Application of the above named Applicant/Review Petitioner

MOST RESPECTFULLY SHEWETH:

1. That the Applicant/Review Petitioner above named is filed the present Review Petition in this Hon'ble Court under Article 137 of the Constitution of India seeking review of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-10867 of 2010.

2. That the Applicant/Review Petitioner craves to rely on the averments made in the accompanying Review Petition as a part and parcel of the present stay application and the said averments are not being repeated herein for the sake of brevity.

3. That the Applicant/Review Petitioner humbly submits that this Hon'ble Court has committed apparent errors on the face of the record and therefore the present Review Petition is being filed before this Hon'ble Court.

4. That the Applicant/Review Petitioner craves leave of this Hon'ble Court to consider the contents of the Review Petition and the Grounds as forming part of the present application.

5. That the Applicant/Review Petitioner humbly submits that grave injustice will be caused if the operation of the impugned judgment and order passed by the Constitution Bench of this Hon'ble Court dated November 9, 2019 is not stayed and a status quo order is directed during the pendency of the present Review Petition. This Hon'ble Court during the pendency of the Civil Appeals had granted status quo while passing the order dated May 9, 2011. A copy of the said order passed by this Hon'ble Court dated May 9, 2011 in Civil Appeal Nos. 10866-10867 of 2010 is annexed hereto and marked as **Annexure P-4 [Page Nos. 143 to 152]** to this application.

6. That in the light of the averments made in the accompanying Review Petition and the above mentioned facts, it is submitted that this Hon'ble Court may be pleased to grant *ad interim ex parte* stay in favour of the Review Petitioner herein.

7. The Applicant/Review Petitioner state that the present Application is being filed *bona fide* and in the interests of justice.

8. In the light of the above, the Applicant/Review Petitioner most respectfully prays that this Hon'ble Court may be graciously pleased to:

PRAYER

(a) stay the operation of the judgment and order dated September 30, 2010 passed by the Hon'ble High Court of Judicature at Allahabad rendered in O.O.S. No. 4 of 1989 (Regular Suit No.12 of 1961) and O.O.S. No. 5 of 1989 (Regular Suit No. 236 of 1989); and/or

(b) stay the operation of the impugned judgment and final order dated November 9, 2019 passed by this Hon'ble Court rendered in Civil Appeal Nos. 10866-10867 of 2010; and/or

(c) restrain the Central Government from taking any steps pursuant to the impugned order passed by the Constitution Bench of this Hon'ble Court dated November 9, 2019; and/or

(d) pass such other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT/REVIEW PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:-

EJAZ MAQBOOL
Advocate for the Applicant/Review Petitioner

New Delhi
Dated: 02.12.2019

ANNEXURE P – 4

ITEM NO. 6+51 COURT NO.12 SECTION XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 10866-10867 OF 2010
(for Prel. Hearing)

M. SIDDIQ @ H.M. SIDDIQ, JAMIAT ULAMA-I-HIND … Appellant (s)

VERSUS

MAHANT SURESH DAS & ORS. ETC. ETC. … Respondent(s)

(With appln(s) for ex-Parte stay, substitution, exemption from filing c/c of the impugned Judgment, exemption from filing O.T., intervention, c/delay in filing substitution appln., permission to file lengthy list of dates and office report)

With
Civil Appeal NO. 821 of 2011 (for Prel. Hearing)
(With appln. for ex-parte stay and exemption from filing O.T. and office report)

S.L.P.(C)...CC NO. 3600 of 2011 (for Prel. Hearing)
(With appln. for exemption from filing c/copy as well as plain copy of the impugned order and permission to file SLP without c/copy as well as plain copy of impugned order and office report)

With
Civil Appeal NO. 2215 of 2011 (For Prel. Hearing)
(With appln. for exemption from filing O.T. and interim relief and office report)

SLP(C) NO. 7815-7818 of 2011 (For Prel. hearing)
(With appln. for exemption and permission to file lengthy list of dates and office report)

Civil Appeal NO. 2636 of 2011 (For Prel. Hearing)
(With applns. For ex-parte styay and substitution and exemption from filing O.T. and c/delay in filing substitution appln. and permission to file synopsis and list of dates and office report)

(With I.A, Nos. 7 & 8 applns. For permission to file additional documents and directions)

Civil Appeal NO. 2894 of 2011 (For Prel. Hearing)
(With appln. for ex-parte stay and substitution and exemption from filing O.T. and c/delay in filing substitution appln. and office report)

Appeal Civil D NO. D38217 of 2010 (For Prel. Hearing)
(With applns. for permission to file appeal and office report)

Civil Appeal No.4192/2011
(With appln. for substitution and interim relief and permission to file synopsis and list of dates and exemption from filing O.T. and office report)

Appeal Civil D NO. D3828 of 2011
(With office report)

Date: 09/05/2011 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)	Mr. P.P. Rao, Sr. Adv. Mr. Anis Suhrawardy, Adv.
C.A.Nos.10866-67/2010	Ms. Shamama Anis, Adv. Mr. S. Mehdi Imam, Adv. Mr. Tabrez Ahmad, Adv. Mr. Atif Suhrawardy, Adv.
C.A. No.821/2011	Mr. Rajiv Dhawan, Sr. Adv. Mr. Zafaryab Jilani, Adv. Mr. M.A. Siddiqui, Adv. Mr. Shakil Ahmed Syed, Adv. Mr. Syed Kafeel Ahmed, Adv. Mr. Syed Ahmad Saud, Adv. Mr. M. Taiyab Khan, Adv. Mr. Shuaib-uddin, Adv. Mr. Mohd. Parvez Dabas Adv. Mr. Zaki Ahmed Khan, Adv.
C.C. No.3600/2011	Mr. Varinder Kumar Sharma, Adv.
C.A. No.2215/2011	Mr. P.P. Rao, Sr. Adv. Mr. Huzefa Ahmedi, Adv. Mr. Ejaz Maqbool, Adv. Mr. Nakul Dewan, Adv. Mr. Sagheer Ahmed Khan, Adv. Mr. Jawed Patel, Adv. Mr. Karan Lahiri, Adv. Mr. Mrigan Prabhaker, Adv. Mr. Zaki Ahmad Khan, Adv.

SLP(C)Nos.7815-7818/2011

Mr. Sushil Kumar Jain, Adv.
Mr. Puneet Jain, Adv.
Mr. Anil Kumar Verma, Adv.
Mr. U.N. Goyal, Adv.
Ms. Trishna Mohan, Adv.

C.A. No.2636/2011

Mr. P.S. Narasima, Sr. Adv.
Mr. Vivek Sharma, Adv.
Mr. Bankim K. Kulshreshtha, Adv.
Mr. R.C. Gubrele, Adv.

C.A. No.2894/2011

Mr. Rakesh Dwiwedi, Sr. Adv.
Mr. Zafaryab jilani, Adv.
Mr. Mushtaque Siddiqui, Adv.
Mr. Amit Sibal, Adv.
Mr. M.R. Shamshad, Adv.
Mr. Irshad Ahmad, Adv.
Mr. Zaki Ahmad Khan, Adv.
Mr. Md. Taiyab Khan, Adv.
Mr. Ahmad S. Azhar, Adv.
Mr. Nikhil Sharma, Adv.
Mr. Faisal Sherwani, Adv.
Mr. T. Ahmad, Adv.
Ms. F. Iqbal, Adv.
Mr. Aamir Naseem, Adv.

C.A.D.No.38217/2010

Mr. C.S. Vaidaianathan, Sr. Adv.
Mr. Ravi Shankar Prasad, Sr. Adv.
Mr. K.N. Bhat, Sr. Adv.
Mr. Madan M. Pandey, Adv.
Mr. S.S. Shamshery, Adv.
Mr. Bhupender Yadav, Adv.
Mr. P.V. Yogeswaran, Adv.

C.A.D.No.3828/2011

Mr. Ranjit Kumar, Sr. Adv.
Mr. P.S. Narasimha, Sr. Adv.
Mr. Vikramjit Banerjee, Adv.
Ms. Ruchi Kohli, Adv.

C.A. No.4192/2011

Mr. Anup George Chaudhari, Sr. Av.
Ms. June Chaudhari, Sr. Adv.
Mr. Syed Shahid Hussain Rizvi,Adv
Mr. Zafaryab Jilani, Adv.
Mr. Mushtaq Ahmad Siddiqui, Adv.
Mr. Taiyyab Khan, Adv.
Mr. Zaki Ahmad Khan, Adv.
Mr. T. Srinivasa Murthy, Adv.
Mr. Md. Irshad Hanif, Adv.
Ms. Rifat Ara, Adv.
Mr. Danish Sher Khan, Adv.
Ms. Sumita, Adv.

For Respondent(s)

C.A.Nos.10866-67/2010 C.A.D.No.38217/2010 C.A. No.2215/2011 C.A. No.2894/2011 C.A. No.821/2011 SLP(C)Nos.7815-7818/2011	Mr. R.C. Gubrele, Adv.
C.A.Nos.10866-67/2010 C.A.D.No.38217/2010 C.A.D.No.3828/2011 C.C. No.3600/2011 SLP(C)Nos.7815-7818/2011	Mr. B.K. Satija, Adv Mr. Barun Kumar Sinha, Adv. Ms. Pratibh Sinha, Adv. Mr. Chander Prakash Kaushik, Adv.
C.A.Nos.10866-67/2010 C.A.D.No.38217/2010 C.A. No.2215/2011 C.A. No.2894/2011 C.A. No.821/2011 C.C. No.3600/2011 SLP(C)Nos.7815-7818/2011 SLP(C)Nos.7815-7818/2011	Mr. Syed Shahid Hussain Rizvi, Adv Mr. Md. Irshad Hanif, Adv. Ms. Rifat Ara, Adv. Mr. Danish Sher Khan, Adv. Mr. Manoj V. George, Adv. Mr. Alex Joseph, Adv.
C.A.Nos.10866-67/2010 C.A.D.No.38217/2010 C.A. No.2215/2011 C.A. No.2894/2011 C.A.D.No.3828/2011 C.A. No.2636/2011 C.A. No.821/2011 C.C. No.3600/2011 SLP(C)Nos.7815-7818/2011	Mr. M.N. Krishnamani, Sr. Adv. Mr. S.S. Shamshery, Adv. Mr. P. Parmeshwaran, Adv. Mr. Sharad Singhania, Adv. Mr. K.K. Venugopal, Sr. Adv. Mr. Pallav Sisodia, Asr. Adv. Mr. D. Bharat Kumar, Adv. Mr. Balasubramanyam Kumarsu, Adv. Ms. Deepshikha Bharati, Adv. Mr. Anish Kumar Gupta, Adv
C.A.Nos.10866-67/2010 C.A.D.No.38217/2010 C.A. No.2894/2011 SLP(C)Nos.7815-7818/2011	Mr. Amit Pawan, Adv. Mr. Prafulla Behera, Adv. Ms. Ranjana Agnihotri, Adv. Mr. R.K. Tiwari, Adv. Ms. Dolly Prabhakar, Adv. Mr. Prakash T.A., Adv. Mr. Brahmajeet Mishra, Adv.
C.A.Nos.10866-67/2010 C.A.D.No.38217/2010 C.A. No.2215/2011 C.A. No.821/2011 SLP(C)Nos.7815-7818/2011	Md. Shahid Anwar, Adv. Mr. Minhajul Rashid, Adv. Mr. Aamir Naseem, Adv. Mr. Syed Rehan, Adv. Mr. Naved Khan, Adv. Mr. Rakesh Joshi, Adv.

C.A.Nos.10866-67/2010	Mr. Zaki Ahmad Khan, Adv.
C.A.D.No.38217/2010	Ms. F. Iqbal, Adv.
C.A. No.2215/2011	Mr. M.R. Shamshad, Adv.
C.A.D.No.3828/2011	Mr. Aamir Naeem, Adv.
C.A. No.2636/2011	Mr. T. Ahmad, Adv.
C.A. No.821/2011	
C.C.No.3600/2011	
SLP(C)Nos.7815-7818/2011	
C.C. No.3600/2011	Mr. A.S. Pundir, Adv.
For Interveners	Mr. Vijay Hansaria, Sr. Adv. Mr. Sanjay Sarin, Adv. Ms. Manjusha Wadhwa, Adv.

UPON hearing counsel the Court made the following

O R D E R

CIVIL APPEAL NOS. 10866-10867 OF 2010

The appeals are admitted for hearing.

During the pendency of the appeals, the operation of the judgment and decree passed by the Allahabad High Court shall remain stayed.

Further, we are pleased to note that there is complete unanimity on maintaining status quo and all the parties are in agreement that order may be passed for maintaining status quo on the disputed site and on the adjoining land.

We, therefore, pass the following orders :-

During the pendency of the appeals, the parties shall maintain status quo in regard to suit land, as directed by an earlier judgment and order passed by this Court in 'Dr. M. Ismail Faruqui & Ors. vs. Union of India & Ors.' (1994) 6 SCC 360 vide. paragraphs 86, 87, which are reproduced below :-

86. The best solution in the circumstances, on revival of suits is, therefore, to maintain status quo as on 7-1-1993 when the law came into force modifying the interim orders in the suits to that extent by curtailing the practice of worship by Hindus in the disputed area to the extent it stands reduced under the Act instead of conferring on them the larger right available under the court orders till intervention was made by legislation.

87. Section 7(2) achieves this purpose by freezing the interim arrangement for worship by Hindu devotees reduced to this extent and curtails the larger right they enjoyed under the court orders, ensuring that it cannot be enlarged till final adjudication of the dispute and consequent transfer of the disputed area to the party found entitled to the same. This being the purpose and true effect of Section 7(2), it promotes and strengthens the commitment of the nation to secularism instead of negating it. To hold this provision as anti-secular and slanted in favour of the Hindu community 420 would be to frustrate an attempt to thwart anti-secularism and unwittingly support the forces which were responsible for the events of 6-12-1992.

Further, as regards the land adjacent to the suit land which was the subject matter of acquisition by the Central Government, the parties shall maintain status quo, as directed by the order of this Court in 'Mohd. Aslam Alias Bhure vs. Union of India and Others', (2003) 4 SCC 1 vide. paragraphs 4 and 5 read with paragraph 17 of the report, which read as follows :-

4. In this proceeding, which is initiated as public interest petition, several reliefs were claimed but after the interested parties were impleaded and their pleading were put forth what has crystallized is as to the manner in which the adjacent land should be (SIC) final decision in the title suit pending in the High Court of Allahabad.

This Court, on 13.3.2002, while issuing the rule, made the following order:

"In the meantime, we direct that on the 67.703 acres of land located in revenue plot Nos. 159 and 160 in village Kot Ramchandra which is vested in the Central Government, no religious activity of any kind by anyone either symbolic or actual including bhumi puja or shila puja, shall be permitted or allowed to take place.

Furthermore, no part of the aforesaid land shall be handed over by the Government to anyone and the same shall be retained by the Government till the disposal of this writ petition nor shall any part of this land be permitted to be occupied or used for any religious purpose or in connection therewith.

This is subject to further orders which may be passed in this case."

5. The aforesaid order was clarified by another order dated 14.3.2002 in the following terms:

"After hearing the learned Attorney General, as there was some ambiguity in para 3 of our order dated 13-3-2002, we correct para 3 of our order as follows:

'In the meantime we direct that on the 67.703 acres of acquired land located in various plots detailed in the Schedule to Acquisition or Central Area at Ayodhya Act, 1993, which is vested in the Central Government, no religious activity of any kind by anyone either symbolic or actual including bhumi puja or shila puja, shall be permitted or allowed to take place."

17. On consideration of the entire matter, we are of the view that the order made by this Court on 13.3.2002, as modified by the order made on 14.3.2002, should be operative until disposal of the suits in the High Court of Allahabad not only to maintain communal harmony but also to fulfil other objectives of the Act. The writ petition shall stand disposed of accordingly.

Mr. P.P. Rao, learned senior advocate appearing for the appellant requested the Court to make some further directions. There is no objections from any side to the request made by Mr. Rao. Hence, we make the following directions :

Call for the records of other Original Suit No.4/1989 and other connected suits (being OOS No.1/1989, OOS No.3/1989 and OOS No.5/1989) from the High Court of Judicature at Allahabad;

Call for the digitized versions of the impugned judgment and order dated 30.9.2010 in Microsoft Word format and not in PDF format;

Call for the digitized versions of the record prepared by the Registry of the High Court of Judicature at Allahabad, containing the scanned copies of the record in OOS No.1/1989, OOS No.3/1989, OOS No.4/1989 and OOS No.5/1989, and compact discs (CDs) containing the same;

The Registry of this Court is directed to provide to the parties CDs containing electronic copies of the digitized record summoned.

Applications for substitutions, that are free from defects will be taken up for orders after the ensuing summer vacation.

In the meanwhile, the other side(s) may examine the question whether or not they would raise any objection in regard to any substitution petitions.

Appropriate directions for translation of the High Court records will be given later on.

Permission to file lengthy list of dates and events is granted.

Application for exemption from filing certified copy of impugned order is allowed.

Copies of the judgment is not required to be accompanied with the process fee and spare copies.

Application for intervention is rejected.

Caveat filed by Mr. R.C. Gubrele, and Mr. B.K. Satija, counsel is rejected.

Civil Appeal NO. 821 of 2011
Civil Appeal NO. 2215 of 2011
Civil Appeal NO. 2636 of 2011
Civil Appeal NO. 2894 of 2011

Civil Appeal NO.4192 of 2011

Appeals are admitted for hearing.

Interim orders in the same term as passed in appeal nos. 10866-10867/2010.

S.L.P.(C) NOS. 7815-7818 of 2011
S.L.P.(C)...CC NO. 3600 of 2011

Permission to file Special leave petition is granted.

Delay condoned.

Leave granted.

Interim orders in the same term as passed in Appeal Nos. 10866-10867/2010.

Civil Appeal D NO. D38217 of 2010
Civil Appeal D NO. D3828 of 2011

Permission to file civil appeals is granted.

Delay in refiling is condoned.

The appeals are admitted for hearing.

Interim orders in the same term as in appeal nos.10866-10867/2010.

Sd/-
(Neetu Khajuria)
Sr. P.A.

Sd/-
(S.S.R. Krishna)
Court Master

// TRUE COPY //